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CICERO PRO PLANCIO

CICERO PRO PLANCIO

EDITED, WITH INTRODUCTION AND NOTES

BY

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PREFACE

In preparing this school edition of the *pro Plancio* I have been chiefly indebted to the following works:—

Cicero's rede für Cn. Plancius. Köpke; neu bearbeitet von Landgraf. Leipsic, 1887.

Ciceronis Oratio pro Plancio, recog. Ed. Wunderus, 1830.

Orazione in difesa di Cn. Plancio. G. B. Bonino; Turin.

Th. Mommsen *Römische Staatsrecht.*

Iwan Müller *Handbuch d. classischen Altertumwissenschaft.*

The text is, with a few exceptions, that of Landgraf's edition.

H. W. Auden.

Edinburgh, 1897.

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INTRODUCTION

§ 1. In July 54 B.C. a certain Cn. Plancius, aedile-elect, was prosecuted by a disappointed competitor, A. Laterensis, on a charge of illegal combination (*de sodaliciis*) during his canvass. He was defended by his friend Cicero.

Such is, in briefest outline, the subject of the case which occasioned the delivery of the speech before us. A recent scholar[1] has summed up the merits of the *Planciana* in describing it as 'the artistic handling of a somewhat ordinary theme.' Its main interest lies in the light it sheds on the methods of procedure at Roman elections—methods, that is, both legal and illegal. Of the personality of the author we see but little, but that may be said of most of Cicero's speeches; if the *Planciana* helps us in any way towards understanding the character of Cicero, it is that of Cicero as a friend in his relations with Plancius. As regards the historic background, the absence of which so many recent writers[2]

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[1] Dr. J. S. Reid.

[2] e.g. Dettweiler in Baumeister's *Handbuch der unterrichts lehre*, p. 194.

have complained of as the great defect of Cicero's writings as a school-subject, it may be urged that our speech gives us a fairly vivid account of the events of the years 55–54 B.C.—an epoch of considerable importance in the history of the Roman constitution.

Interest of the speech.

Before studying the speech it is as well to set clearly before the reader what points have specially to be emphasised, to enable him to completely master the contents of the speech, so that the object of reading and the interest to be derived from that reading may always be kept in mind whilst it is in process.

These points may be taken as four, tabulated thus :—

A. Points *necessary* for the interpretation of the speech.	α. Historical.—Cicero's friendship for Plancius. β. Legal.—The proceedings at Roman elections; the laws re *ambitus* and *sodalicia;* the right of public meeting and combination at Rome.
B. Special points for the study of which this speech gives opportunity.	γ. Rhetoric of the Ancients, its importance and its methods. δ. Language.

Causes of the postponement of elections, 56-54 B.C.

§ 2. *Circumstances of the case.*—To understand the circumstances of the case it is necessary to review the events of the years 56-54 B.C. During the latter part of the year 56 Rome had been in a state of riot verging on anarchy, chiefly owing to the turbulent and lawless behaviour of Clodius, who, anxious to gain immunity for his numerous crimes, and to avenge himself on his enemy Milo, had

succeeded in obtaining the aedileship for 56. Hence it happened that no magistrates for the following year had been elected; an interrex[1] was consequently appointed, under whose presidency the elections for 55, which ought to have been held in 56, took place in January 55. The city was filled with bands of armed men, whom Caesar had brought in to further, by a system of terrorism, the candidature of Pompey and Crassus. In the face of such threatened violence several candidates withdrew, and Domitius Ahenobarbus alone represented the oligarchical faction against the party of Caesar. During the actual voting the Campus Martius was a scene of wild disorder; Domitius was maltreated, a slave of his was killed at his side, and even Cato was struck. The comitia for the nomination of other magistrates could not be held. In the end Pompey and Crassus were elected consuls, and proceeded to support as candidates for the minor offices their own creatures—with some success, as is shown by the fact that Cato himself, in his candidature for the curule aedileship, was passed over in favour of a certain Vatinius. The election, however, was not

The consular elections.

The minor elections.

[1] The office of interrex was first instituted after Romulus' death, when the people were uncertain whom to elect as king. Under the Republic interreges were appointed to hold the consular comitia, when, owing to civil commotion or other causes, no magistrates were present to do so in their year of office. Only patricians could hold the office. There was a succession of interreges, each holding office for five days; the comitia were commonly held under the direction of the third or fourth interrex.

carried without bloodshed. Crassus, with Pompey's approval, then carried his *lex Licinia de sodaliciis* against illegal political combinations. This was a stroke delivered at the Optimates, who had made these clubs their strongholds, and used them with marked success, for the curule elections of 57 and 56 had been, for the most part, adverse to the Pompeian party. In November 55[1] Crassus set out for his province, Syria, leaving Rome a prey to the tumults and factions which were beginning to concentrate themselves round the elections of consuls for the following year (54), in which the Optimate party succeeded in procuring the election of one of their most obstinate and determined adherents, L. Dom. Ahenobarbus, with Appius Cl. Pulcer as colleague—a man of no strong political convictions, whose chief feature was his avarice. But before Crassus left Rome he should have presided at the *comitia tributa* convened to elect the curule magistrates, especially the aediles, for 54. Owing, however, to frequent disturbances he postponed the election,[2] leaving Rome without curule magistrates for 54. These were elected in 54, probably not before July.

Crassus' *lex de sodaliciis.*

§ 3. The candidates for the curule aedileship for 54 were Cn. Plancius, A. Plotius, M. Iuv. Laterensis, and Q. Pedius. At first Plancius showed himself disposed to support Laterensis as colleague; but seeing that the latter, relying on his high birth and the support of the Optimates, took very little

Elections for 54 B.C.

[1] *ad Att.* 4. 13. 2. [2] *pro Pl.* §§ 49, 50, 53, 54.

trouble about his canvass, he abandoned him and effected a *coitio*—a coalition for mutual assistance to obtain votes—with Plotius, with whom as colleague in the end he was elected.

§ 4. Plancius before entering office was accused by Laterensis of having illegally organised electioneering clubs, *sodalicia*, and bribed several tribes by their agency. The charge was brought under the *lex Licinia de sodaliciis*, which had been carried by Crassus in the previous year. Laterensis was assisted by Luc. Cassius Longinus[1] as junior counsel (*subscriptor*). This Longinus was a friend of Cicero—at any rate the latter talks of him as *familiaris*. On the side of the defence were Cicero and Hortensius.

The case.

§ 5. The president of the court (*quaesitor*, *iudex quaestionis*), who was probably chosen by the plaintiff and the defendant, was C. Alfius Flavus, of whom Cicero always speaks with great respect;[2] that the litigants were allowed on occasions to choose a presiding judge we know from the provisions of the *lex Vatinia*.

The court. Its president.

The question of the constitution of the court involves the discussion of the law under which the case was brought, viz. the *lex Licinia de sodaliciis*. In 55 Pompey had passed a *lex iudiciaria*, on

Its constitution.

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[1] Brother of Caesar's murderer, *trib. pleb.* 44; in 48 we find him in Thessaly as one of Caesar's legates at the head of the 27th legion of the *Tirones* and 200 cavalry, and in great danger of falling into the hands of the Pompeians (Cic. *Phil.* 3 § 23, Caes. *B. C.* 3. 34, 36).

[2] *pro Pl.* § 104.

the lines of which followed his *lex Licinia de sodaliciis* of 54. Even in the previous year a *senatus consultum* had been passed *ut sodalitates decuriatique decederent lexque de eis ferretur ut qui non discesserint ea poena quae est de vi tenerentur;* but the disturbances coincident with the election of Pompey and Crassus to the consulate prevented it from being carried into effect. Crassus on entering office brought forward and passed his own law *de sodaliciis.* The rigorous penalties proposed by this law, and the partiality which it shows for the accuser in these cases of *sodalicium*, prove clearly to what an extent the evil had grown, yet all legislation seemed powerless to stop, or even to give a check to, the practices at which it was aimed. It was the use of these electioneering clubs (vide infra § 16) of which Plancius was accused. Laterensis brought his charge under *de sodaliciis*, although probably the case was really one of *ambitus;* he was induced to do this by the consideration that under *de sodaliciis* the penalties were more severe, and the constitution of the court was more favourable to him as accuser.

Editicii.

§ 6. Under the *lex Licinia* the court was composed of *iudices editicii* (i.e. a body of jurymen specially appointed), of which body the *iudices editi* were those appointed (*editi*) to give their decision on a particular case.[1] The accuser had the right of naming jurymen of equestrian rank, or *tribuni aerarii*,[2]

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[1] Köpke *pro Pl.*

[2] Originally the tribal officers who collected taxes (*aes*) and distributed pay to the army. In 70 B.C. they were made into a distinct order, and served on juries together with the senators and equites

from four of the tribes in which the crime of *sodalicium* was supposed to have been committed. Of these tribes the defendant could challenge and reject only one—a fact which told very considerably in favour of the accuser. From the three remaining tribes, with the addition of a decury of the *iudices* of senatorial rank, a panel was formed consisting of 90 to 108 jurymen.

Thus :—

editicii	*equites* . .	30 or 36	unless disqualified.
	tribuni aerarii	30 or 36	
	senators . .	30 or 36	

From each of these bodies 5 or 10 might be removed by challenge.

Result

editi	*equites* . . .	25
	tribuni aerarii .	25
	senators . .	25
		75

Laterensis, according to the spirit of the law, ought to have named the tribes Terentina and Voltinia, which had shown themselves specially zealous in Plancius' support, and which consequently might have been expected to have been influenced by the *sodalicia* in this case; he preferred to follow the letter of the law rather than the spirit, and named the tribes Lemonia, Oufentina, Clustumina, and, with the certainty that it would be rejected by Plancius, the Marcia.

Penalty.

The penalty for *sodalicium* was probably the same as that for breaches of the law *de vi*, that is to say, banishment for life and a fine in proportion to the extent of the bribery. Cicero *pro Pl.* § 79 says that *salus*, *patria*, *fortuna* of Plancius were at stake. The prosecutor, if successful, could claim a reward, which usually consisted of a payment in money. This system of reward is not peculiar to the laws *de sodaliciis*, but was attached to most of the laws *de ambitu*. If the reward was in money, just as in the case of the fine, its amount was decided by the *litis aestimatio*, or assessment of damages, by which in Roman law such a penalty was fixed as the jury thought was proportionate to the magnitude of the crime.

Summary.

Thus Laterensis, although the charges against Plancius really came under the head of *ambitus*, brought his case under *lex de sodaliciis*, which pressed more severely on the accused because—

(1) the court had to be composed of *editicii ;*
(2) the penalties were heavier ;
(3) the reward to a successful prosecutor was larger ;
(4) the enactments were more general; it was easier to bring indefinable acts of corruption under *sodalicium* than *ambitus*.

The trial itself.

§ 7. The trial lasted at least two days; on the first day Laterensis opened the case for the prosecution. Hortensius replied for the defence, confining himself for the most part to the questions of

law involved in the case, after which the evidence necessary for proof was given. On the second day Cassius (the *subscriptor* for the prosecution) spoke. Then followed Cicero's speech for the defence. Whether further proofs were put in evidence is uncertain, but probable. To speak last (*extremo loco*) was considered the place of honour, and was usually accorded to Cicero,[1] not only as the leading barrister of his day, but in order that the final summing up of the case, which was always the most emotional part [2] of an *actio*, might be in the hands of a man to whom all conceded the pre-eminence in moving pathos.

Counsel.

The witnesses were :—

For Plancius, C. Sacerdos (§§ 27, 30), propraetor of Sicily before Verres, candidate for the consulship in 63. He had also distinguished himself in Crete as legatus of Q. Met. Creticus.

Witnesses.

L. Flaccus (§ 27), who as praetor in 63 had assisted Cicero in arresting the envoys of the Allobroges, and was defended by him on a charge of extortion.

Envoys from Macedonia (§ 28).

The following were present to give moral assistance :—

Cn. Saturninus (§§ 19, 29), a relative of Plancius with whom he had been brought into connexion in Crete; T. Torquatus (§ 27), with whom Plancius served in Africa; Q. Metellus (§§ 27, 28), Plancius' superior officer in Crete.

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[1] Cf. *Orat.* § 130 *etiamsi plures dicebamus, perorationem mihi tamen omnes relinquebant; Brut.* § 190.

[2] Cf. infra § 38.

§ 8. As was usually the case with Cicero's speeches, the form of the *Planciana* as we have it now is not that of the speech as delivered. Cicero, at the request of his brother Quintus, revised the speech carefully and published it in the autumn of 54. *Ep. ad Q. Fr.* 3. 1. 11 *orationes efflagitatas pro Scauro et pro Plancio absolvi.*

Form of speech.

§ 9. Plancius was acquitted.[1] His acquittal, Köpke shows, was due to a great extent to Cicero's efforts, which were concentrated on the following points:—

Result.

a. That Laterensis had acted against the spirit of the law in making the charge one of *sodalicium*, not *ambitus*.

β. That Plancius was virtually elected in the comitia held by Crassus in 55, which were postponed.

γ. The votes of Plancius and Plotius obtained in the same tribe could not prove that bribery had taken place, since both could not have been elected if both had not obtained the votes of the same tribe.

δ. The prosecution entirely failed to prove the existence of a *divisor*, or agent for the distribution of bribes.[2]

The little that is known of Plancius' after-life is dealt with in § 13.

§ 10. Marcus Iuventius Laterensis, the prosecutor, a consistent supporter of the Optimates, was a native of Tusculum. By birth he was plebeian, but *nobilis*, since ancestors of his, both on his father's and

The prosecutor.

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[1] There is a good deal of difference of opinion about this.

[2] *pro Pl.* §§ 49, 53, 55.

mother's side, had held the consulship. The most noticeable act of his life, which gained considerable applause from the Optimate party, was when in 59 he withdrew from his candidature for the tribuneship rather than take the oath which required all magistrates to support the agrarian law brought forward by Caesar.[1] As quaestor he gave games at Praeneste (§ 63), and as proquaestor at Cyrene in 63 distinguished himself by his just and honourable treatment of the *publicani* and the *socii*. During the year 59 L. Vettius, at the instigation of P. Vatinius, charged him with complicity in a conspiracy against Pompey; but the trial never took place, and the attempt to damage his character served only to heighten his reputation as a good patriot.[2] At the beginning of the speech Cicero protests his reluctance at having to oppose one who had always supported him and his views,[3] both in general as a zealous Optimate and especially as a warm advocate of his recall from exile. Laterensis seems to have been an upright and conscientious politician, but his extreme views rendered him unpopular, and embittered by the success of the democratic party he retired into private life for a time. He reappeared in 55 as candidate for the aedileship of 54, but disdaining to resort to the ordinary methods of making himself popular with the electors, was defeated by Plancius and Plotius. Of his after-life we know little; he was praetor in 51, and was an augur in 45.[4] Two years later, in some letters from

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[1] *pro Pl.* § 52, *ad Att.* 2. 18. 2.
[2] *ad Att.* 2. 24. 3.
[3] *pro Pl.* §§ 2, 5, 72, 85.
[4] *ad Att.* 12. 17.

Munatius Plancus[1] to Cicero, we find that both Plancus and Laterensis had become lieutenants in the army of Aemilius Lepidus, who was in charge of Hispania Citerior and Gallia Cisalpina. Lepidus, in spite of Laterensis' remonstrances, deserted the senatorial party and joined Antony after the battle of Mutina, whereupon Laterensis, true to his convictions, committed suicide.

The defendant Plancius and his relation to Cicero.

§ 11. During the course of the speech Cicero very frequently alludes to the great debt that he owes to Plancius for having protected him during his exile; in fact, the orator considers that almost the strongest claim that Plancius has on the favour of the jury is that he welcomed and consoled the hero of the Catilinarian conspiracy in his banishment; thus the speech opens with *egregia et singularis Cn. Plancii in mea salute custodienda fides* § 1. So § 98 *quid debeam Plancio*, § 68 *neque ego nunc Plancio desinam debere;* similarly §§ 71, 25, 95, where he rebuts the statement of his opponents that he has trumped up this great thankfulness to Plancius in order to appeal more movingly to his hearers. The frequent recurrence in the speech of the question of Cicero's debt to Plancius makes a closer investigation almost imperative. How far is Cicero genuine in his expressions of thanks? Did Plancius really deserve so well of him? Or is it a mere rhetorical device of the speaker to recall to the minds of his audience the year of peril 63 B.C., when their lives and property had been

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[1] *ad Fam.* 10. 11. 3, 10. 15. 2.

saved only by the strenuous action of the consul Cicero? —for whether the execution of the Catilinarians was a mere matter of acquiescence, as Mommsen[1] holds, or not, it is certain that in the eyes of the populace of Rome it was regarded as both strenuous and salutary. Does Cicero wish to make capital out of this on behalf of his client, and by reviving his own popularity hope to aid Plancius by the reflected glory? Cicero certainly, subsequently to 63 B.C., hardly ever made a speech without alluding in some way to his consulship or his exile; and in a letter to Atticus (2. 22. 3) he shows a consciousness that in his actions of 63 lies his chief claim to popularity, by quoting as one of the most important signs of his improved political position the fact that the memory of his consulship has been revived.

Cicero's exile.

§ 12. The facts of Cicero's exile, during which Plancius was enabled to put Cicero under so great obligations, are briefly these. In the year 59 B.C. the so-called triumvirate of Caesar, Pompey, and Crassus having obtained the consulship for two of their adherents, Gabinius and Piso, and at the same time having elected Clodius tribune, proceeded to take such measures as should strengthen their own power. Caesar, always the leading spirit of the three, decided that the opposition of Cicero to the triumvirate must be put a stop to by some means or other. In this he was strongly opposed by Pompey. At first Caesar tried a policy of kindness to win over to his

[1] *R. H.* iv. 609.

side a man whom he saw might be a formidable enemy but a useful friend, and two offices of considerable importance were successively offered to Cicero, either to be one of the select committee for carrying out Caesar's agrarian law, or else the position of Caesar's legatus in Gaul. Both these offers Cicero declined. Caesar, although anxious not to pain Cicero more than was necessary, decided to use force to attain his object, and employed Clodius, tribune for the year, as his agent for the removal of Cicero. Clodius undertook the task gladly, for Cicero was not only a political but a personal enemy of his; he proceeded to point out the illegality of the execution of the Catilinarian conspirators, and by reorganising the *collegia compitalicia*, street-clubs or gangs of roughs, he gained supremacy of the streets, succeeded in overawing the senate, openly boasting that he had at his back (as was true) the triumviri and Caesar's army.[1] Pompey,[2] in spite of his promises that Clodius should have to pass over his dead body before he harmed Cicero,[3] deserted him; Crassus, who had never been his friend, refused to bestir himself. The violence, disorder, and terrorism in Rome grew to such a pitch that although Cicero had on his side the senate, the equites, and nearly the whole country population of Italy, it was felt by his supporters to be useless to attempt to marshal and collect these forces in time to oppose the well-organised gangs of Clodius[4]; Cicero finally yielded to his friends' advice

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[1] *pro Sest.* 17. [2] *ad Att.* 2. 20. 2.

[3] Cf. *ad Att.* 2. 22. 2.

[4] Cf. Strachan-Davidson *Cicero* p. 233.

and, although Clodius had not yet brought up his bill, retired from the city. This was probably on 25th March 58 B.C. On the 8th of April he was at Vibo stopping with his friend Sicca; anxious to go to Sicily, he was warned by Vergilius[1] the praetor that he was not to set foot on the island. Cicero consequently changed his route and turned back to Brundisium, intending to pass over to Greece. Hesitating to stay long with any one for fear of bringing trouble on his benefactors, he refused to enter Brundisium in spite of the zeal of the citizens on his behalf,[2] and stayed in Flaccus' villa outside the town till 30th April, when he embarked for Dyrrhachium. When he arrived there he found his worst fears confirmed, that Achaea and most of Greece were infested by roving bands of Catilinarians.[3] He consequently turned to Macedonia, hoping to escape before they were informed of his arrival. Here Plancius, who was quaestor, no sooner heard of his landing than he came himself to Dyrrhachium to find him. Laying aside all the pomp of magistracy, he conducted him with all the attention of a private friend to his headquarters at Thessalonica about the 21st of May.[4] The propraetor of the province at the time was L. Appuleius, a friend of Cicero's; he did not venture, however, in his official position to welcome Cicero, but contented himself with allowing the action of his quaestor Plancius to pass unchallenged.[5] With Plancius Cicero stayed till the 25th of November in utter dejection,

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1 *pro Pl.* § 96. 2 ib. §§ 97, 98.
3 ib. § 97, *red. in Sen.* 14, *ad Att.* 3. 7. 1.
4 Melmoth *Life* p. 98. 5 *pro Pl.* § 97.

frightened at the military retinue of his host, so shy of publicity that he says he could not endure the light of day.[1] His letters during the year are full of unmanly complaints,[2] base suspicions of his best friends,[3] self-reproach for the course he had adopted, and often blind despair. Plancius was to be succeeded in the quaestorship by Piso the consul, an enemy of Cicero; he started for his province about the end of November,[4] having been preceded by his troops, whose arrival at Thessalonica caused Cicero to move to Dyrrhachium. Plancius had hoped that Cicero would be recalled in time to go with him to Rome on the expiration of his quaestorship;[5] this, however, was impossible, as the decree for Cicero's recall was not passed till 4th August 57, on which day Cicero left Dyrrhachium for Rome. Many abortive attempts, however, at his restoration had been made. As early as June 58 L. Ninnius Quadratus proposed his recall, but although the proposal was approved unanimously by the senate, a tribune, Aelius Ligus, placed his veto on it.[6] On 29th October eight of the tribunes proposed a bill for Cicero's recall, which was supported by the consul-elect of the next year, P. C. Lentulus Spinther. On the 1st of January he proposed Cicero's recall, and was supported by Pompey; various technical difficulties were raised, and it was only on 23rd January that the bill was again discussed. A riot ensued, caused chiefly by Clodius' armed rabble, with the result that Sestius [7] and Qu. Cicero were

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[1] *ad Att.* 3. 7. [2] *ad Fam.* 14. 1, 2.
[3] *ad Att.* 3. 9. 2. [4] *pro Sest.* 33. 71.
[5] *ad Fam.* 14. 1. [6] *pro Sest.* 31. 68. [7] ib. 35.

both wounded. Several months passed, during which nothing official was done at Rome on Cicero's behalf. Subsequently the senate passed various decrees in Cicero's favour, but their purport and their date are uncertain; one is mentioned in this speech,[1] a vote of thanks to the allies and Cn. Plancius for protecting Cicero, and recommending him to the care of foreign princes [2] and provincial governors. Finally, in consequence of the decree (*lex Cornelia de restituendo Cicerone*) which passed the comitia on 4th August,[3] Cicero left Dyrrhachium, and on the next day arrived at Brundisium.

§ 13. Such then is the part which Plancius played in the eighteen months of Cicero's exile; other facts about him we gather chiefly from the *pro Plancio* and from Cicero's letters. He was of equestrian rank,[4] a native of the praefectura Atina in the neighbourhood of Arpinum, and had considerable influence in Rome, especially through the agency of his father, a man of strong and independent character whom Cicero calls *nimium retinens equestris iuris et libertatis.*[5] As manager, and possibly founder of several of the tax-farming companies, *princeps publicanorum, maximarum societatum auctor, plurimarum magister,*[6] he greatly furthered his son's election. He had distinguished himself in 61 by the insistency with which he demanded for a company of tax-farmers (*publicani*)

Plancius' father.

[1] *pro Pl.* § 78. [2] *pro Sest.* 60. 128.
[3] *ad Att.* 4. 1. 4, *Or. in Pison.* § 35, *pro Sest.* 63.
[4] *pro Pl.* §§ 17, 32. [5] ib. § 55. [6] ib. §§ 24, 32.

an abatement of the price they had paid for the taxes of Asia. This abatement the senate, with Cato at their head, refused to give, but finally C. Julius Caesar brought the matter before the people and obtained a remission of one-third of the amount offered.[1]

Plancius and Cicero.

Cn. Plancius, the son, as a young man served in Africa under the propraetor A. Torquatus, and ten years subsequently, in 68, accompanied Q. Metellus when he went as proconsul to Crete. In 62 he was military tribune in the army of Antony, who was then proconsul of Macedonia, and it was there that he informed Cicero of the extortions which the proconsul practised in Cicero's name.[2] In 58 he was in the same province (Macedonia) as quaestor, under Appuleius as propraetor, with headquarters at Thessalonica, where from May till November he entertained the exiled Cicero. On the expiration of his term of office, i.e. about December 58, he returned to Rome to become a candidate for the plebeian tribunate of 56, to which he was elected in 57.[3] During his term of office he showed himself a vigorous opponent of Clodius and an ardent supporter of the Optimate party. In 55 he was candidate for the curule aedileship of the year 54; owing to the disturbed state of Rome the elections were put off till 54.[4] He was elected aedile, with A. Plotius as colleague, but not until six months of what should have been their term of office had expired. Brought to

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[1] *pro Pl.* § 35.

[2] *ad Att.* 1. 12.

[3] *pro Pl.* §§ 26, 28, 60, 77.

[4] vide supra § 2.

trial by Laterensis for illegal practices in conducting his canvass, he was acquitted,[1] and not long after, when civil war broke out, he cast in his lot with Pompey, and in 46 was in exile in Corcyra, to which place Cicero wrote him letters of condolence[2] commiserating his misfortunes and those of the Republic. Several scholars state that there was a marked coolness between Plancius and Cicero after the latter's recall. Thus Melmoth[3] states that 'although Plancius had received the tribunate as a reward for befriending Cicero, yet he studiously slighted Cicero.' J. H. Newman,[4] too, talks of Cicero as 'good-natured to remember the services rather than the cold neglect of Plancius,' but in the *pro Plancio* at least we have no evidence for this. If it be true, then many of Cicero's expressions of affection in the *pro Plancio* are forced and unreal; but apart from this, it is hard to believe that there was nothing in the charges of his detractors, which he is at such pains to rebut, that a great part of his zeal for Plancius was exaggerated and fictitious. Cicero was a friend of both litigants, for Laterensis had shown great sympathy for him in exile, and had taken part in the movements for his recall.[5] In general, too, the genuineness of Cicero's friendships may with reason be doubted; his disposition was too self-centred, too uncertain and changeable, to ever be really attractive. Even of his letters to Atticus his

[1] vide supra § 9.

[2] *ad Fam.* 4. 15, 16; cf. 6. 20, 16. 9; *ad Att.* 1. 12.

[3] *Life* p. 140. [4] 'Cicero' *Encycl. Metro.* 214.

[5] *Or. in Vatin.* § 26, *ad Att.* 2. 24. 3.

devoted admirer Boissier[1] can say 'quoiqu'il s'adresse au fidèle Atticus on croit entendre un écho des harangues solennelles qu'il vient de prononcer au sénat et devant le peuple'; whilst Mommsen talks of a lack of conviction, a lack of passion, a thinly varnished superficiality and heartlessness, which could not but be incompatible with genuine friendship and truth of intercourse.[2]

Ambitus and its restrictions

Corruption at Rome.

§ 14. The moral decline of Rome may be dated as commencing about the years 180–150 B.C. The immense increase of wealth, the influence of the Asiatic army with its eastern luxury, unknown to Italy before, were causing Rome to acquire new and more refined vices without taking away the grossness which was already there. All grades of society were corrupt and demoralised, both in public and private life; the extent of the corruption in public life is borne witness to by the fact that within fifteen years no less than seven laws were passed to check corrupt practices at elections. The young nobles were crowding to take up a political career, not from any patriotic motives, but to recoup their shattered fortunes by gaining such office as would give them a province to plunder.[3] Nor had the provinces much chance of redress: *provinciae populatae vexatae funditus eversae socii stipendiariique populi Romani*

[1] Gaston Boissier *Cicéron et ses Amis* p. 14.

[2] Mommsen *R. H.* iv. 609.

[3] *in Pis.* 6. 12 Gabinius is a ruined man unless he gets a province.

adflicti miseri iam non salutis opem sed solacium exitii quaerebant.[1] Their only hope was to bring their extortionate governor to trial after his term of office was finished, but even then he had usually made enough money from the province to bribe the judges and thus ensure his acquittal. As Verres openly admitted, he wished to divide his plunder into three parts, one for himself, another for his advocates who should defend him in his trial for extortion, the third for the jury to procure his acquittal. To gain a province, then, a noble must be elected to one of the higher offices; to obtain that election any method was good if it succeeded. Now began the era of pitiful flattery, when Roman magistrates no longer ventured to demand of citizens that they should give their property, or if necessary their lives, for the good of Rome, when young nobles were willing to cringe to every ragged idler in the street and gain votes by begging or by buying.[2] Cicero in one of his letters says that in the year 54 the rate of interest rose from 4 to 8 per cent owing to the great demand for money to be spent in bribes. *ambitus redit immanis, nunquam fuit par. Idibus Quintil. fenus fuit bessibus ex triente* (*ad Q. Fr.* 2. 14. 4). We are told, too, that £100,000 was promised for the vote of the *centuria praerogativa.*

§ 15. As mentioned above, legislation was frequently resorted to to repress the growing corruption, to check *ambitus* or corrupt practices; for *ambitus* had now this meaning, though originally it meant

Meaning of *ambitus.*

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[1] *Div. in Caec.* § 7.

[2] Cf. Mommsen *R. H.* i. 75 E.T.

nothing more than canvassing; but canvassing and bribery were now synonymous. The best English term for *ambitus* is 'corrupt practices'; but the troublesome question is always present, when did the Romans use the term *ambitus* as meaning legal, when illegal, practices? Cicero himself cannot say exactly. He seems to talk of *benignitas* as legal, being opposed to *ambitus* illegal, and *liberalitas* similarly as opposed to *largitiones*. This much is certain, the elections were always more or less corrupt; but the methods of corruption were many and varied. The laws singled out now one point, now another, to stigmatise as illegal, so that a clear idea of the various crimes which were considered punishable as *ambitus* can be gathered only from the different enactments of the *leges de ambitu* and *leges de sodaliciis*. The latter laws were directed against a special branch of corrupt practices, which gradually became so well defined and so important that *ambitus* was thus divided—

ambitus (corrupt practices) { *largitio* (bribery in general).
sodalicia (illegal combinations).

§ 16. *Largitio* was regulated by special agents, sometimes men of position, who trafficked, so to speak, in public offices, and knowing as they did the particular needs of this and that tribe, possessing too sometimes a far-reaching influence, hired themselves out to the highest bidder among the candidates, who was thus rendered secure from any personal accusation of bribery. The first thing then that a candidate did was to obtain large sums of money, often at a huge rate of interest. This

he usually placed with trustees (*sequestres*); the agents (*interpretes*) made all arrangements for the obtaining of votes, agreed upon the price, and promised the money (*pronuntiabant pecuniam*). Finally, when the election was over, another set of agents, the *divisores*, distributed the money; one of the reasons that the money was not paid at once, but was left with the *sequestres*, was that very high prices were paid for the votes of the *centuria* or *tribus praerogativa*,[1] whose vote usually was followed by the other electors; and as the privilege of voting first was determined by lot at the commencement of the poll, nothing could be decided till the election was over. It is possible that the *divisores*[2] were a regularly constituted body established for the distribution of corn and other legal largess, but who naturally used their position and experience to further the aims of unscrupulous candidates.

The restrictions which the laws placed on *largitio* affected three points—

(1) Direct bribery (*largitio*) by a candidate was forbidden.
(2) The number of followers (*sectatores*) was limited.
(3) The expenses of games were curtailed.

Thus the legal aspect of *largitio* was—

ambitus
- *largitio* general
  - *largitio* direct, not by means of clubs.
  - *ludi.*
  - *sectatores.*
- *sodalicium.*

[1] Cf. supra § 14. [2] Gentile *Elezioni Romane* p. 246.

The question of what was meant by the crime of *sodalicium* (illegal combination) and what were the *collegia sodalicia* is much more complicated. The *sodalicia*, against which the *lex Licinia de sodaliciis* was directed, were associations of a purely political character—electioneering clubs organised with the express object of obtaining votes by bribery, intimidation, or otherwise, and for the mutual defence and support of members who might be impeached for such practices. The law considered that a man was guilty of *sodalicium* if any of the following charges could be proved against him:—

(1) *conscriptio tribulium*, that he had joined an electioneering club and enrolled members in it (*conscribere*).

(2) *decuriatio tribulium*, that he had divided the members of a tribe into divisions, to facilitate unity of action in influencing the election.

(3) *pronuntiatio pecuniae*, that he had promised them money, which he had deposited with *sequestres* (trust-agents).

(4) *discriptio populi*, that he had divided other tribes into districts.

(5) *divisio pecuniae*, that he had actually paid money to voters.

Thus—

- *ambitus*
  - *largitio* general
    - *largitio* direct.
    - *ludi*.
    - *sectatores*.
  - *sodalicium*
    - *conscriptio tribulium*.
    - *decuriatio*.
    - *pronuntiatio pecuniae*.
    - *discriptio populi*.
    - *divisio pecuniae*.

§ 17. Wherein then did the crime of *sodalicium* differ from *ambitus?*

The distinction between the two can be arrived at only by looking at the question legally, and considering the different enactments made for their repression. This much seems clear: several laws were passed to check the growing corruption at elections—these were the *leges de ambitu;* they were for the most part unavailing. Legislation was then directed against a new and growing method of corruption, the electioneering clubs—these were the *leges de sodaliciis;* but—a not uncommon phenomenon in Roman legislation—the two sets of laws traversed the same ground. The laws *de sodaliciis* were more fully developed and elaborate enactments, which attempted by a process of narrowing down to fasten on the more minute details of corrupt electioneering. But there is no doubt that the term *ambitus* is often used very loosely. The points in which the *leges de sodaliciis* differed from those *de ambitu* may be roughly tabulated:—

(1) They were directed especially at corrupt practices carried on by means of *sodalicia.*

(2) The court before which the cases came had to be composed of *iudices editicii,* a fact which worked considerably in favour of the prosecutor; vide supra § 6.

(3) The penalties were greater.

(4) The reward offered to a successful prosecutor was probably larger.

(5) Any citizen might be tried by them—not merely a successful candidate, but any one, whether in or out of office, who was supposed to have made use of the *sodalicia.*

(6) The procedure they prescribed was in general more strict; e.g. although a person was absent on state service he was compelled to attend the case.

The following are the chief laws passed to check corrupt practices at Rome:—

B.C.

432. *Lex Pinaria tribunicia. ne cui album in vestimentum addere petitionis liceret causa.*

358. *Lex Paetelia.* Canvassing to be allowed only in the Forum and Campus Martius, and not on market days or at country gatherings.

181. *Lex Cornelia Baebia* probably made the penalties heavier.

159. *Lex* (?) *Cornelia Fulvia.* Those convicted of *ambitus* debarred from candidature for ten years.

67. *Lex Acilia Calpurnia* inflicted heavier fines on all concerned in *ambitus;* suppressed treating of electors.

66. *Lex Fabia,* limiting the number of *sectatores.*

63. *Lex Tullia* (Cicero) adds penalties to the *lex Calpurnia,* and prohibits the giving of public shows by a candidate two years before his offering himself for election.

55. *Lex Licinia de sodaliciis;* vide Introd. § 6.

52. *Lex Pompeia de ambitu,* directed against electioneering clubs, on the formation of which it imposed more stringent penalties.

18. *Lex Julia* fixes penalty as five years' banishment, with fine of 100,000 sesterces.

§ 18. *Elections at Rome.*—The electoral body at Rome during the period of the highest development of political life there was constituted as follows[1]:—

Electoral body.

(1) Those citizens more than 17 years old who were free by birth and who possessed sufficient property to be

[1] Zumpt *Criminal-prozess* p. 528.

inscribed in one of the five classes which were said to have been instituted by Servius.[1]

(2) *Capite censi*, or *proletarii*, those whose property did not entitle them to a place in any of the five classes. Their vote was of little value: e.g. in the *comitia centuriata* the *proletarii* formed one century, whilst the other five classes made up 192.

(3) Freedmen (*liberti*) who, though they and their descendants (*libertini*) voted, yet did not really possess the *ius honorum*. They were compelled to vote in the four city tribes where their influence could make itself least felt.

(4) Outside the electoral body there still remained the *cives sine suffragio*, or *aerarii*,[2] so called because they paid *aes* or poll-tax fixed not by the ordinary rules of the census, but according to the personal caprice of the censors. They were citizens who had suffered either

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[1] Gow *Companion* p. 199.

Class.	Census in *asses*.	Centuries.	
1	100,000	*Equites* . .	18
		Pedites . .	80
2	57,000	*Pedites* and *Fabri* .	22
3	50,000	*Pedites* . .	20
4	25,000	*Pedites* and *Cornicines*	22
5	11,000	*Pedites* . .	30
6	*Proletarii*	*Pedites* . .	1
			193

[2] Sometimes called *municipes*, because several municipia were *sine suffragio*, or *Caerites*, because this *civitas sine suffragio* was first granted to the town of Caere, in return for its assistance in the Gallic war 353 B.C. Cf. Hor. *Epist.* 1. 6. 62 *Caerite cera* [i.e. *tabula*] *digni*.

infamia or *ignominia*[1] and consequently lost their votes, but in the case of *ignominia* they might regain their votes.

§ 19. *Comitia.*—The *comitia*, or meetings of the electoral bodies, were of two sorts[2]—*comitia centuriata* and *comitia tributa*.

Comitia centuriata.

(1) The *comitia centuriata*, or meetings by centuries, were instituted by Servius Tullius, and must originally have been of a purely military nature, with divisions according to property; this military and timocratic character persisted for some time, but by degrees disappeared and was merged in the democratic tendencies of a later age.[3]

The function of the *comitia centuriata* was to elect the more important magistrates, consuls, praetors, and censors—hence the terms *comitia consularia, praetoria, censoria.*

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[1] *infamia* = loss of civil rights for life, a punishment for crime; *ignominia* = censure of the censors, *nota censoria*, loss of rights probably for a lustrum, or five years.

[2] The *comitia curiata*, a purely patrician assembly, met only to perform such formalities as conferring *imperium* on a king, or deciding questions of peace or war, and cannot be regarded as a genuine assembly of the Roman people.

[3] This change is usually supposed to have taken place about 260 B.C.; at any rate the comitia were reconstituted on a fairer basis. The thirty-five tribes were divided into five classes, and each class into two centuries, one of *iuniores*, the other of *seniores*; eighteen centuries of knights were added, and five of *fabri*, *proletarii*, and *cornicines*. All classes had an equal number of centuries, and calculating the votes by centuries it follows that every class had an equal number of votes—a marked contrast to the procedure instituted by Servius Tullius. The undue influence of the wealthy classes was thus minimised. Cf. Bonino *pro Pl.* Introd. xi., Livy 1. 43, 24. 7, 26. 22, 27. 6.

The convener of *comitia centuriata* must necessarily have *imperium* (i.e. be consul, praetor, dictator), it being technically a military assembly; it is sometimes even called *exercitus*, and its meetings had to take place outside the city, most usually in the Campus Martius.

Comitia tributa.

(2) The *comitia tributa*, or assembly of the tribes,[1] was a product of the gradually increasing democratic tendencies of the Roman constitution, and represented at first merely informal meetings held by tribunes. By degrees, however, the *comitia tributa* was systematised, and became the regular assembly for electing the minor magistrates, tribunes, aediles, quaestors (hence *comitia tribunicia, aedilicia, quaestoria*), and all officers whose duty it was to superintend the various branches of public administration, finance, justice, public security, etc.; thus the people assembled in *comitia tributa* elected the *triburi legionum*, the *curatores navium*.[2] The meetings of this assembly were usually held in the Forum.

Procedure at elections.

§ 20. The comitia for the election of magistrates, unless prevented by unforeseen circumstances, were held in July or August, on a day

[1] We must keep entirely distinct from the *comitia tributa* the assemblies of the tribes under the presidency of the plebeian magistrates (tribunes and plebeian aediles), i.e. the *concilium plebis*, which was not an assembly of the whole people, as it was convened by magistrates who could not summon patricians. Its resolutions were not, strictly speaking, *leges*, but only *plebi scita*. Smith *Dict. Ant.* i. 510; cf. Mommsen *Röm. Forsch.* 1. 195.

[2] Gentile *le Elezioni* p. 95.

which was not *nefastus*,[1] nor a feast day, nor a day for which a *iustitium* had been proclaimed—that is, cessation of all business, legal and otherwise. They began at sunrise and continued to sunset, the proceedings being always opened with prayer. The presiding magistrate of the *comitia centuriata*, and also the *comitia tributa*, at the election of curule magistrates[2] was a consul, or more rarely the *praetor urbanus*, who at the election occupied the Rostra (i.e. if the election was in the Forum, viz. a meeting of the *comitia tributa*) and directed proceedings. As stated above, the elections took place in the Campus Martius or the Forum, the *comitia centuriata* usually meeting in the Campus Martius, the *comitia tributa* in the Forum; in both cases the ground was divided by ropes or barriers into *saepta* or *ovilia*, enclosures which probably extended in semicircular form, leaving an open space in the centre. From these *saepta* voters had to pass along the *pontes* or narrow passages, at the top of which stood the *rogatores*, or returning officers, who marked off the votes (*punctum*[3]) on a tablet as each citizen passed by and gave the name of the candidate he

[1] *nefastus*, opposed to *fastus* or *profestus*; the *dies comitiales*, days on which comitia could be held, were necessarily *profesti*, but the inverse proposition does not hold, many *dies profesti* having an interval in them which was *nefastus*.

[2] Curule magistrates = consul, censor, praetor, curule aedile, dictator, magister equitum. The original meaning of *curulis* seems to have been 'one who is allowed to drive within the streets of the city,' and is thus connected with *currus*. Cf. Mon. Ancyr. *triumphus curulis*, translated ἐφ' ἅρματος. Mommsen *Staatsrecht* i. 396.

[3] Cf. *punctum ferre*, to be successful; Hor. *A. P.* 343 *omne tulit punctum qui miscuit utile dulci*.

wished to vote for. In later times the voting was by tablets (*tabellae*), which were distributed before the poll by *diribitores* and then deposited in baskets. Before the poll could commence the auspices had to be taken by the presiding magistrate—at the Rostra if the meeting was in the Forum, in the *Hortus Scipionis*[1] if in the Campus Martius. If the auspices were unfavourable the elections were postponed, and any inferior magistrate could bring this about by announcing unfavourable omens (*obnuntiatio*), a principle which in later times became a political engine of considerable power; a magistrate had merely to announce that he had seen a flash of lightning,[2] and the comitia could not take place, as a thunderstorm was always at an election considered most ill-omened; similarly, if any of those present were seized with a sudden fit or epilepsy (*morbus comitialis*[3]) the elections could not continue. If the auspices were favourable, the polling commenced at the century or tribe to which had been assigned by lot the privilege of voting first (*centuria* or *tribus praerogativa*[4]). The candidates had already given in their names (*profitebantur nomina*) in the Forum about seventeen days (*trium nundinarum tempus*) before the election took place. The names of

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[1] The *Hortus Scipionis* was an enclosure in the Campus Martius which had been 'inaugurated,' i.e. considered as a *templum* (τέμενος) or *auguraculum*, where *spectio* or auspice-taking was allowed. Cf. Mommsen *Staatsrecht* i. 89, 109, ii. 9.

[2] Cf. Mommsen *Staatsrecht* i. 80, 98, 105.

[3] *morbus major* or *sacer*. Festus p. 254 Müll.

[4] Cf. *pro Pl.* § 49 and infra § 21.

the successful candidates were announced (*renuntiatio*) by the presiding magistrate after the votes had been counted.

Such was the method of procedure in the calmer days of the Republic, but from the times of the Gracchi onward the Forum and Campus Martius at election time were frequently the scene of turbulent riot, and not infrequently of bloodshed.

The period between the *professio* and the actual election was spent by the candidates in canvassing (*ambitus*). This term *ambitus*, originally meaning merely a going-round (*ambire*), changed its signification as time went on, and the distinction between its two meanings of legal and illegal canvassing is not always easy to draw.[1]

Praerogativa. History.

§ 21. According to the original division of the centuries for voting the knights voted first; there did not exist any arrangement by which any one century had the right to give its vote first—all voted simultaneously. It was only after the reformation, probably in 260 B.C., of the centuriate assembly that one century was chosen by lot, probably from the centuries of the first class, to give its vote first, the remaining centuries polling in order[2] (*iure*), i.e. simultaneously. The object of this arrangement was to abolish the privilege of the knights, who now gave their votes partly with, partly after the first class. In later times everything at elections centred round this *praerogativa* (*centuria* or *tribus*), i.e. the century or tribe to which the lot assigned the first position at the poll. The choosing of this *prae-*

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[1] vide supra § 15.

[2] Mommsen *Staatsrecht* iii. 294.

rogativa by lot, after a preliminary prayer, opened the electoral proceedings. It is certain that when the centuries met for the election of magistrates, possibly too at their other meetings, the great number of voters, the necessity of avoiding division of votes, and the fact that the election must be completed by sunset, induced the divisions which voted later to usually vote the same way as the *praerogativa;* this was especially the case in the later Republic.[1] Thus it usually happened that in electoral comitia the candidate who obtained a majority in the *praerogativa* (*tribus* or *centuria*) was elected.

Value of votes.

The inequality of this system and the opportunities which it afforded for illegal canvassing are pointed out by Gentile.[2] The object of a candidate was to procure the votes of a majority in each of the 35 tribes; if he could obtain a majority in 18 he had an absolute majority and his cause was won. A clearer view of the proceedings may be obtained by examining an imaginary election (under *comitia tributa*) as follows. The tribes were 35 in all, a majority consequently was 18; suppose for sake of clearness each tribe to have contained 100 voters,[3] the 18 tribes of the majority had 1800 votes, the 17 of the minority 1700, but if in each of the 18 tribes of the majority it should happen a

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[1] Cf. Mommsen *Staatsrecht* iii. 398, *pro Pl.* §§ 20, 49, *ad Q. Fr.* 2. 14. 4, *de Div.* 1. 45. 103.

[2] *le Elezioni* etc. p. 240.

[3] This number is not of course intended to represent in any way the actual numbers in a tribe, but is taken merely to facilitate comparison.

candidate got 60 votes, he was elected with 1080 votes over a candidate who might have gained 1700 votes from the minority tribes in addition to the votes of the minority in the tribes who had a majority for his opponent $= 40 \times 18 = 720$; thus the unsuccessful candidate might have 2420 (i.e. $1700 + 720$) votes, the successful 1080. Similarly in 373 centuries the majority was 187, and a mere majority obtained in each of these 187 might be stronger than the unanimous vote of the other 186. Irrational as this may seem, it appears to have been certainly possible, unless we suppose that every century and every tribe was always unanimous, having agreed beforehand for whom they would vote, which seems improbable. The Roman electoral system has been well characterised as a method of 'voting by sample.'

Canvassing at Rome.

§ 22. The object then of canvassing (*ambitus*) was to secure a majority of voters in each tribe, and it is noticeable that Roman laws did not hold *ambitus* to be a crime when affecting individuals, but only when attempts had been made to gain collectively the votes of a tribe or century. 'Questions of party and policy held but a small place in Roman elections; a competitor for office was not expected to put forth any political creed, he rather strove to give a general impression of his statesmanlike qualities and efface his political connexions as much as possible; a Roman election was a question of men not measures';[1] 'each voter,' says Cicero *pro Pl.* 4. 10, 'considers more frequently

[1] Strachan-Davidson *Cicero* p. 90.

what claims the candidate has on him than what claims he has on the commonwealth'; to gain this personal favour was the first business of a candidate. The methods of gaining it we gather from Cicero's letters and speeches, who, e.g. *ad Att.* 1. 1. 2 and elsewhere, states clearly his approval of the whole system of *ambitus: nos in omni munere candidatorio fungendo summam adhibebimus diligentiam.* Plutarch too, *Cat. min.* 49 and 50, mentions that Cicero often blamed Cato for disdaining to make use of the ordinary methods of canvassing. But our best guide in such matters is the treatise of Cicero's brother Quintus *de petitione consulatus*, a practical handbook of the art of canvassing.

Public opinion at Rome always attached special importance to the votes gained by a candidate in his own tribe or century, and not only the candidate himself but also his rival or rivals exerted themselves most strenuously within this area,[1] and the members of such a body expected to be specially entreated for their 'vote and support.' Quintus Cicero recommends the following procedure to his brother:—*semper cum multitudine esse*, to make himself prominent among his constituents, to know all of them by sight and to greet them familiarly, *prensatio*, in which he was helped by *nomenclatores* or slaves whose business it was to mention the names of the citizens to their employer when they chanced to meet him; to be always accompanied by followers, *deductores, fautores, sectatores*; to give banquets of which Q. Cicero says *fac ut*

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[1] *pro Pl.* 41–46, *de pet. cons.* 18. 31–32.

convivia abs te et ab amicis tuis concelebrentur et passim et tributim (*de petit.* § 44); entertainments for the people at the candidate's expense ('it was for these that the aediles ransacked the world for the gift of wild beasts and the loan of works of art, that Caesar displayed gladiators in silver panoply, and that Scaurus invented his movable theatres which, when the plays were over, were wheeled round, spectators and all, so as to form an amphitheatre for the exhibition of fighting'[1]). The assigning reserved seats at these shows to members of the candidate's tribe or influential electors generally, was a method of gaining popularity which was especially affected by the aediles.

All these methods then of gaining votes were considered legal; one other method needs special notice because it was employed by the defendant in our case—Plancius.[2] This is *coitio*, or a coalition between two candidates to oust a third candidate and if possible obtain an absolute majority of the thirty-five tribes, the two mutually contributing, as it were, the votes of those tribes of whose support they were certain. The term for this was *tribum concedere* or *conferre*. These *coitiones* were of a private nature; a notable example is the formation of the so-called triumvirate[3] at Lucca in 56 to oppose the candidature of L. Aemilius.

Rhetoric of the ancients

§ 23. Under the term 'Rhetoric' the ancients understood all such training as helped in the preparation of written or spoken speeches,

Definition.

[1] Strachan-Davidson *Cicero* p. 95.
[2] *pro Pl.* § 54.
[3] Köpke *pro Pl.* § 13.

a Theory of Oratory, in short the art of Persuasion. Thus the pre-Aristotelian definition, e.g. of Gorgias 427 B.C. and Isocrates 380 B.C., is ῥητορική ἐστι τέχνη . . πειθοῦς δημίουργος.[1] Aristotle himself says (*Rhet.* i. 2 τέχνη ῥητορική) δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν, with which Hermagoras agrees in the main, δύναμις τοῦ εὖ λέγειν: by degrees, however, Rhetoric was regarded less as a δύναμις, mere ability, skill, and more as a τέχνη, an art or science, technology, and the definition of Quintilian based on Xenocrates may be taken as representing the general view in Ciceronian times, *bene dicendi scientia.*

Importance.

§ 24. Some short knowledge of Rhetoric and its methods is a necessary complement of classical studies in order to estimate the extraordinary influence and importance of oratory in both the public and private life of the Greeks and Romans; so large a part, too, of classical literature is of a rhetorical nature that a knowledge of the technicalities of forensic composition is almost imperative for a clear comprehension of them. Lastly, a subject deserves more than a passing interest which for 2000 years was the chief, at times the only, educative agent in the training of a gentleman: for from the year 400 B.C. in the hands of the Sophists; at the various schools of Rhetoric, such as that of Molon at Rhodes, to which young Romans went as to a university; at the univer-

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[1] Sext. Empir. *adv. Rhet.* 61 p. 587, Plutarch (the neo-Platonist) in *Rhet. graec.* Walz vii. p. 33.

sities of the Middle Ages, where the chairs of Rhetoric were the most sought after, as part of the trivium and quadrivium[1]; at Cambridge, where even in 1550 Aristotle, Quintilian, and Cicero were text-books—in all these different spheres, in fact over all civilised Europe for nearly twenty centuries, the study of Rhetoric is closely woven into the culture-life of mankind. In spite, too, of the exaggerated classification, elaborate technique, the over-subtle refinements of rhetorical systems, yet, inasmuch as the art of Rhetoric has ever been based on experience and usage, a great many of its methods are useful for orators in any age.

History.

§ 25. Thucydides talks of Pericles as λέγειν καὶ πράσσειν δυνατώτατος (i. 139) of his contemporaries at Athens, but there is no evidence of his having studied oratory as an art. For the origin of Rhetoric as a science we must look to Sicily.

Rhetoric in Sicily.

Here it was that Empedocles distinguished himself by the fluency of his expression and his skilful use of metaphors, so that Aristotle regards him as the founder of Rhetoric; but of a system or art there is no trace. It was a certain Corax (flor. 466) and his pupil Teisias who first put together a τέχνη or hand-book of rules and directions for litigants with regard to disposition and argumentation, and on which a theory of eloquence was based. The need for such systematic hand-books was caused by the frequent lawsuits insti-

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[1] In the Middle Ages the sciences were divided into two courses, *trivium*, i.e. grammar, logic, and rhetoric, and *quadrivium*, i.e. music, arithmetic, geometry, and astronomy.

tuted by the numerous political exiles on their return to recover property from which they had been evicted by such tyrants as Hiero and Thrasybulus. The Sicilian school generally devoted themselves to the attainment of εὐέπεια 'fluency of speech,' and consistently with this we find Gorgias of Leontini developing especially λέξις 'style' as a branch of oratory, combining with it also some precepts as μνήμη, the learning a speech by heart. This εὐέπεια 'facility,' however, was pushed too far by Gorgias, and γοργιάζειν 'to talk like Gorgias' became synonymous with empty bombast and monotonous sentence-formation. In 427 B.C. Gorgias was sent on an embassy to Athens, and shortly after this he settled down there and founded the first school of Rhetoric in Greece. Rhetoric now took its place in the scheme of Athenian education; many teachers of Rhetoric flocked to Athens, such as Protagoras, Thrasymachus, Prodicus, Hippias—the so-called Sophists—each of whom did his part in developing some branch of Rhetoric as an instrument of education. Plato's opposition to the Sophists and to all their teaching, especially their practical teaching of oratory, availed nothing to check its popularity; it was, as Grote says,[1] 'the opposition of a theorist and a philosopher to the systems of practical teachers, that of a dissenter against the established clergy.' The influence of Gorgias and his school was very widespread; most of the ten Attic orators (Antiphon, Andocides, Lysias, Isaeus, Isocrates, Demosthenes,

Gorgias, 427 B.C.

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[1] *Gk. Hist.* viii. 150–200.

Aeschines, Hypereides, Lycurgus, Deinarchus) owe something to his teaching; of these Antiphon, the teacher of Thucydides, and Isocrates (*pater eloquentiae* Cic. *de Or.* 2. 3. 10) contributed most towards building up the system of Rhetoric, as both of them wrote *τέχναι*, or hand-books of oratory, which are, however, unfortunately lost. But it was left for Aristotle (384–322) to methodise and systematise the Art of Rhetoric in such perfection that his *τέχνη ῥητορική*, 'the most scientific work on Rhetoric extant,' at once became *the* hand-book on Rhetoric, and continues to be so to modern times; and it is hardly an exaggeration to say that 'the Art of Rhetoric was the creation of Aristotle.'[1] Somewhat similar to Aristotle's *τέχνη ῥητορική* is the treatise on Rhetoric sometimes published with Aristotle's works, but it belongs more to the school of the Sophists and Isocrates; its probable author was Anaximenes of Lampsacus, a rhetorician of the time of Alexander.

Aristotle, 384–322.

Great, however, as has been the influence of Aristotle and the Peripatetic school on the Rhetoric of the Middle Ages, when Latin translations of Aristotle made up all that was known of Greek thought generally,[2] yet it was another school of philosophers, the Stoics of Pergamum, who first introduced Rhetoric to the Roman world. The Stoics had studied

Stoics of Pergamum.

[1] Prof. Jebb in *Encycl. Brit.* ninth ed.

[2] From A.D. 650–1350 the knowledge of Greek was almost entirely lost in the Western world; Aristotle was studied, but only in Latin translations of portions of his works (Boeckh *Encycl.* pp. 301 f.)

Rhetoric diligently since Zeno's time, regarding it as a subdivision of their science of Logic, and especially developing the introductory parts of Rhetoric together with *inventio* and *dispositio* — the determining and arranging the subject-matter. Unfortunately none of the actual works of Stoic rhetoricians have come down to us, but we have two treatises by late Latin writers based on the Stoic system, Chirius Fortunatianus (A.D. 450) and Sulpitius Victor. It was in Pergamum, the Asiatic[1] rival of Alexandria for the pre-eminence in the world of culture, that the Stoics first began to influence literature and education; here they anticipated their Alexandrine fellows in the combination of grammar with Rhetoric, in the literary criticism of ancient authors, especially the consideration of their style; and here the canon of the ten Attic orators was set up and the superiority assigned to Demosthenes, which we find maintained throughout the Latin writers on Rhetoric. The connecting link between the Latin rhetoricians and the Pergamene Stoics is Hermagoras of Temnos (flor. 150 B.C.), who probably lived for some time at Pergamum, and at any rate belongs to the Pergamene school of thought.

Hermagoras, 150 B.C.

[1] Pergamum (now Pergamo) was the capital of the kingdom of Pergamus and afterwards of the Roman province of Asia; it was situated on the river Caïcus in S. Mysia. The city first acquired importance under Lysimachus, who, after the defeat of Antigonus at Ipsus in 301, considerably enlarged and beautified it. The zenith of its power was reached under Eumenes II., who founded its library, the formation of which occasioned the invention of parchment, *charta Pergamena*.

He may be regarded as the founder of scholastic rhetoric, redeeming the study from excessive Asianism by a judicious combination of theory and practice. His system was very complete, especially his subdivisions of commonplaces, and it remained from this period onwards as the foundation of all developments of Rhetoric, both in Greece and Rome. His system is reproduced in the work of Cornificius, the so-called *Auctor ad Herennium*, and by Cicero in his youthful work *de Inventione*, and also the *Orator* and *Partitiones oratoriae* and in the technical part of the *Brutus* and the *de Oratore*. Quintilian (A.D. 42–118) in his *Institutio oratoria* and the Greek rhetoricians of the later sophistic period, e.g. Hermogenes of Tarsus (flor. A.D. 160), have made use of the systems of Hermagoras for the technical subdivisions of Rhetoric. When we talk generally of the Rhetoric of the Greeks and Romans we really mean the methods of Rhetoric formed by a combination of the work of the Stoics and Hermagoras, a Stoic-Hermagoraic system.

Quintilian, A.D. 42–118.

Rhetoric of the ancients defined.

§ 26. With regard to Cicero's relation to Rhetoric, we must distinguish between Cicero the practical barrister and Cicero the theorist and litterateur in Rhetoric. Trained as a young man in the technique of Rhetoric according to the methods in vogue in his day — Asianism only just beginning to be leavened by the scholastic Rhetoric of Hermagoras—he at first showed himself a devoted admirer of the florid, exaggerated, epigrammatic style of the Asiatic school, the two chief representatives of

Cicero's Rhetoric.

which were Hierocles[1] and Menecles of Alabanda (flor. 100). This tendency was fostered in Cicero by his friend Hortensius. But about the year 78 B.C., shortly after the acquittal of Roscius, Cicero was compelled by ill-health[2] to retire temporarily from the bar; he proceeded to Rhodes, where he devoted two years to studying Rhetoric under Molo, whose lectures he had attended in Rome in 88. This Rhodian school, of which Molo was now head, may be regarded as directly descended from that of Hermagoras. Their model was Hypereides,[3] the representative of the 'plain' school. Cicero and Quintilian talk of the Rhodian school as intermediate between the earlier florid Asianism and the simpler Attic style, but there seems little doubt that it approximated more closely to the Asiatic than the Attic school.[4] But Cicero was no servile follower of a school; his was an eclectic system, the factors of which may be considered as the technical system of Molo plus an independent study of Isocrates and probably Aristotle, plus a great amount of experience derived from a large practice at the bar,[5] plus a keen perception of style and phraseology and an almost perfect mastery of the Latin language. As time went on Cicero became more and more Attic in his tendencies, simplifying his style and adopting as his model Demosthenes. In dealing with his actual speeches

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1 *de Or.* 2. 23. 95. 2 *Brut.* 90. 313, 91. 316.

3 Blass *Attische Beredsamkeit* pp. 84–88.

4 Landgraf *Cic. pro R. Am.* p. 121.

5 Cf. Teuffel *Hist. of Lat. Lit.* i. § 229.

it is customary to make three periods, Asiatic, Rhodian, Attic; this is misleading, as of course there are a good many of the orations which must be regarded as belonging to a stage of transition. Of the speeches, however, which have a distinct style we may classify—

1. Asiatic, *pro Quinctio, pro Roscio Amerino.*
2. Rhodian, *pro Plancio, pro Cluentio.*
3. Attic, *pro Ligario, pro Milone.*

§ 27. As a writer on the theory of oratory Cicero contributed little that was original; as mentioned above, he wrote a *réchauffé* of Cornificius' work (*Auctor ad Herennium*) under the title *Rhetorica aut de inventione;* a treatise on the art of oratory generally, *de Oratore*, based for the most part on Hermagoras' works; the *Brutus*, a history of Roman oratory; a sort of rhetorical catechism for his son, the *Partitio oratoria;* the *Orator*, and *de optimo genere oratorum*, published in 45, a preface to his lost translation of the speeches of Demosthenes and Aeschines *de Corona;* and finally in 44 the *Topica*, a technical discussion on the topics of *Inventio*, but not containing any very original matter. Cicero certainly enlarged the popular notion of treating Rhetoric, but often, at least in his later days, in opposing the ultra-scholasticism of the Rhetoric of his time tends to carry his empiricism too far.[1]

§ 28. In spite of the number of technical works on Rhetoric which have come down to us, a history of its development at Greece and Rome and details of its

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[1] Cf. Teuffel *Lat. Lit.* i. 280.

classification must necessarily be sometimes vague,[1] as the rhetoricians themselves often make use of a terminology inconsistent and unmethodical. But we can roughly reconstruct the curriculum of Rhetoric which was followed in training an orator in the times of Cicero.

Training in oratory.

The first duty of the oratorical student was to study the bearings of his case (*quaestio*), real or fictitious, theoretical or practical, and to consider whence he is going to derive the subject-matter of his speech, his topics. This is the *Intellectio* or νόησις. In detail—he must first decide to which kind of oratory his *quaestio* belongs.[2]

I. *iudiciale genus*, γένος δικανικόν.
II. *deliberativum*, συμβουλευτικόν.
III. *demonstrativum* or *laudativum*, } ἐπιδεικτικόν or ἐγκωμιαστικόν.

§ 29. He must next determine the *status* of the case or *constitutio*, the basis, ground of the *quaestio*, and decide what is to be made the kernel of the question.[3]

1. Is it true or false? *status coniecturalis* (στοχασμός), '*an sit*,' a question of fact, of *affirmatio* or *negatio;* Cornif. 2. 2–8 Cic. *de Inv.* 1. 8.

2. How is the act to be defined and classified? *definitio*, ὅρος, '*quid sit.*'

3. What is the quality, character of the act involved? *qualitas* (ποιότης), *status generalis iuridicalis*, '*quale sit*' or '*quomodo.*'

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[1] Volkmann *Rhetorik* p. 639.

[2] Quint. iii. 4, Cic. *de Inv.* 1. 5. 7.

[3] Volkmann pp. 650, 653.

4. Will it be better not to meet the charge directly, but, avoiding a discussion of the merits of the case, demand that it should be discussed before some other tribunal, on other lines? *translatio* (μετάληψις, παραγραφή).

Whatever the *status*, the line, ground of the case be determined to be, the circumstances must be next considered (περιστάσεις or περιστατικά, *circumstantia*) under seven[1] heads—

1. The person, πρόσωπον, *quis*.
2. The fact, πρᾶξις, *quid*.
3. The time, χρόνος, *quando*.
4. The place, τόπος, *ubi*.
5. The motive, αἰτία, *cur*.
6. The method, τρόπος, *quomodo*.
7. The facilities, ἀφορμαὶ ἔργων, *quibus adminiculis*.

Or in the line of the rhetoricians of the Middle Ages—

quis, quid, ubi, quibus auxiliis, cur, quomodo, quando.

Having studied the *status* and the *circumstantia*, the orator must choose his topics (*loci*,[2] τόποι) accordingly; they may be drawn from the contents of the case (*insiti loci*) or introduced (*adscripti*).

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[1] So Hermagoras. These are given very variously by different writers; cf. *Rhet. Gr.* iv. 150, Quint. iii. 5, Volkmann p. 649.

[2] Probably = properly the general localities from which proofs can be drawn; or possibly positions which all orators may take up in common. The text-books gave very elaborate commonplaces, which an orator was recommended to thoroughly master. *loci* are divided by Fortunatian into—

loci	*ante rem*	=	*a persona, a re, a causa.*
	in re		*a tempore, a loco, a modo.*
	circa rem		*a materia.*
	post rem.		

In Cicero's speeches we find many *loci communes*, e.g. *de quaestionibus*, i.e. that slave-evidence is untrustworthy or otherwise, cf. Cornif. 2. 10, Cic. *de Inv.* 2. 46, Quint. v. 4; or *de rumoribus*, cf. Cornif. 2. 12 *ab rumoribus dicemus, si negabimus temere famam nasci solere quin subsit aliquid, contra rumores dicemus si docebimus multos esse falsos rumores*, Quint. v. 3.

Summary.

The first duty then of an orator, *Intellectio*, is to understand clearly the nature of his case, and to decide what topics he is to use.

§ 30. *Intellectio* may be regarded as merely an introductory step in the rhetorical curriculum. The five main divisions of Rhetoric[1] are—

I. *Inventio*, εὕρεσις: the determining and classifying of the different parts of the subject-matter, and the grouping of them according to the five divisions of a speech—prologue, statement of case, proof, refutation, epilogue. For details see below, § 31.

II. *Dispositio*, τάξις: i.e. the orator must decide the more detailed order, *succession*, of his arguments, moulding them in artistic language and effective logical order, elaborate the connexion of his arguments, giving prominence to his strong points, and strengthen his weak ones by rhetorical artifices.

III. *Elocutio*, λέξις or φράσις: the study of *style* and *expression*. To this branch of oratory the student was advised to direct his closest attention. Under *Elocutio* he must study—(α) *Elegantia*, i.e. purity of Latinity, well-

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[1] Cornif. 1. 3, Cic. *de Or.* 3. 109, Quint. iii. 3 etc.

chosen words, perspicuity, and the avoidance of anything which may seem in bad taste, such as pleonasms, tautology, frigidity of style (Arist. *Rhet.* iii. 3 τὸ ψυχρόν); (β) *Ornatus*, ornaments of language, metaphors, tropes etc., rhetorical devices, especially *figurae sententiarum*, such as rhetorical questions, *interrogatio*, *reticentia* (ἀποσιώπησις), *dissimulatio* (εἰρωνεία etc.), and *figurae verborum* or grammatical figures, e.g. *prolepsis*, ἀναδίπλωσις etc., all of which were most carefully elaborated, cf. Quint. ix. 1. 3; (γ) *Collocatio*, *compositio*, i.e. the arranging language in periods and sentences, with due attention to connexion, cadence, and rhythm.

IV. The next duty of an orator was to learn his speech by heart — *memoria*, μνήμη, cf. Cornif. 3. 16, Cic. *de Or.* 2. 351, Quint. xi.

V. Lastly, under the division *Actio* (*pronuntiatio*, ὑπόκρισις) came the study of *delivery*, with considerations of tone, voice, gesture etc.; cf. Longin. p. 310 ἔστι δὲ ὑπόκρισις μίμησις τῶν κατ' ἀλήθειαν ἑκάστῳ παριστaμένων ἠθῶν καὶ παθῶν καὶ διάθεσις σώματός τε καὶ τόνου φωνῆς προσφόρου τοῖς ὑποκειμένοις πράγμασι, Cornif. 3. 11. 19, Cic. *de Or.* 3. 213, *Brut.* 141, 203, 278, 303, Quint. xi. 3.

As mentioned above, under the head *Inventio* came the five[1] divisions of a speech—

[1] Arist. *Rhet.* iii. 13. 1 divides a speech into πρόθεσις and πίστις, but states that πρόλογος and ἐπίλογος were usually added. The fivefold division rests on the Stoic-Hermagoraic system, Cicero (*de Inv.* 1. 42) and Quintilian (v. 13). But each rhetorician was arbitrary about his own system. The division in the text is such as would probably have been taught in Cicero's time.

I. *exordium*, πρόλογος.
II. *narratio*, διήγησις.
III. *tractatio*, πίστις.
IV. *refutatio*, λύσις.
V. *peroratio*, ἐπίλογος.

§ 31. I. *Exordium*, προοίμιον, *principium*. The object of the introduction is to make the audience (α) well-disposed, (β) attentive, (γ) docile; ἔργον προοιμίων, εὔνοια, πρόσεξις, εὐμάθεια (Quaes. ap. Spengel i. p. 321, Quint. iv. 1. 5, Cornif. 1. 4. 6, Cic. *de Inv.* 1. 15. 20 *exordium est oratio animum auditoris idonee comparans ad reliquam dictionem; quod eveniet si eum benivolum, attentum, docilem, confecerit*, cf. Cic. *Top.* 26. 97). Its starting-point is the personality of either the orator, his opponent, the judge, litigants etc., or some *thing* involved, or both. Its extent varies with the difficulty and importance of the subject, and its ending must be such as to provide an easy transition to the next division of the speech, the *narratio*; cf. Arist. *Rhet.* iii. 14, Cic. *de Or.* 2. 325. If the audience seem already prejudiced against the speaker, either owing to the nature of the case (e.g. in γένος παράδοξον) or by an opponent's speech, the speaker is directed to make use of *insinuatio*, ἔφοδος, a more indirect method of securing the goodwill of the audience. Incorporated with the *exordium* we sometimes find *propositio* and *partitio*, the statement of the subject and the division of the speech, both of them factors, not subdivisions, of the Aristotelian πρόθεσις:[1]

[1] Volkmann p. 702.

more commonly they follow the *narratio*. In the *Planciana* they form part of the *prologos*. The following is a scheme of the introduction of the *pro Pl.* §§ 1–4, as given in Olivetus' edition of Cicero (1740), probably based on the division of some rhetorical teacher of the fifteenth century.

Exordium.

Benevolentiam iudicum captat declaratione suum affectuum	*gaudii, quod Plancio aedilitatem petenti multi ob Ciceronem ipsum faverent*, § 1. *doloris, quod inimici Ciceronis et invidi accusatorem eius animarent*, § 1. *fiduciae, ob iudices, Ciceroni benevolos*, § 2.
Odium in Laterensem adversarium excitat	*quod accuset virum integerrimae vitae*, § 3. *et omnibus ornatum virtutibus*, § 3.
Propositionem totius orationis facit; in qua	*Plancium puniri petit, si est in culpa*, § 3. *absolvi petit, si est innocens*, § 3.
Partitionem facit; in qua	*monet dicturum se pro Plancio cuius salutem tueri debet*, § 4. *deinde pro se ipso de quo adversarii multa dixerunt.*

Thus we see from the *propositio* that the *status* of the case is *coniecturalis*, i.e. a question of fact—did Plancius make use of corrupt methods or not? Other Ciceronian speeches of this *status* are *pro Cluentio*, *pro Archia*, *pro Roscio*;[1] whilst that of the *pro Milone* is *iuridicalis*, i.e. *iure an iniuria occiderit Milo Clodium.*

[1] Cf. too Dem. *de Fals. Leg.*

As instances of the *status*[1] *definitionis*, i.e. how is the act to be classified and defined, we may take Demosthenes *in Midiam*, Isaeus *de Cleon. hered.*

§ 32. II. *Narratio* (διήγησις) is the explanation of the facts of the case to the judge or audience, Cic. *part. or.* 9. 3 *narratio est rerum explicatio, est quaedam quasi sedes et fundamentum constituendae fidei*; cf. *de Inv.* 1. 19. 27, Quint. iv. 2. 30.

The *narratio* is not always necessary; thus the case may be purely legal, or the facts may have already been sufficiently explained by previous speakers; Quint. iv. 24 *plerique semper narrandum putaverunt: quod falsum esse pluribus coarguitur.* According to all rhetoricians since Isocrates it must be (α) σαφής, *lucida*; (β) σύντομος, *brevis*; (γ) πιθανή, *veri similis*; Cornif. 1. 14 *ut brevis, ut dilucida, ut veri similis sit.* It will be *clear*, if a careful consideration is given to τὰ περιστατικά, *circumstantia*, i.e. all which deals with the special circumstances of the case, and by choice of correct expressions; *short*, if the orator plunges at once *in medias res*, and keeps always to the point; *probable*, if it contains nothing inconsistent or that disagrees with the other facts of, or the nature of, the case, Dion. Halic. *de Demosth.* 34, Cornif. 1. 9. 14, Cic. *de Inv.* 1. 20. 28, Quint. iv. 2. 30. The kinds of διήγησις are many: προδιήγησις, ἀντιδιήγησις, ἐπιδιήγησις etc. It may contain also digressions, *excessus*, *excursus*, παρεκβάσεις, παρενθῆκαι, Quint. iv. 3.

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[1] Volkmann p. 653.

In the *Planciana* the *narratio* is absent, the facts of the case being already known to the jury by the speeches of Laterensis, Hortensius, and Cassius.

§ 33. III. *Proofs.—Tractatio*, πίστεις, ἀγών, ἀπόδειξις, κατασκευὴ κεφαλαίων, *argumentatio*, *confirmatio*, *probatio*, *contentio*.

This is naturally the most important division of the speech, and is never absent, Anax. 5. p. 191 πίστεις αἷς ἀνάγκη μὲν πρὸς πάντα τὰ μέρη τῶν λόγων χρῆσθαι, Cic. *de Inv.* 1. 24. 34 *confirmatio est per quam argumentando nostrae causae fidem et auctoritatem et firmamentum adiungit oratio.*

Proofs divide into (α) ἄτεχνοι, *inartificiales*, and (β) ἔντεχνοι, *artificiales*, Arist. *Rhet.* i. 2, xv. 116, Cic. *de Or.* 2. 27, Quint. v. 1–10. The former are such proofs as are derived from the case itself (ὅσα προϋπῆρχεν Arist. *Rhet.* i. 2. 2), which the orator has merely to systematise and bring forward in their most telling manner. They are—

Quint.	Arist. *Rhet.* i. 15.
leges	νόμοι
praeiudicia	
rumores	
tormenta	βάσανοι.
pacta	συνθῆκαι
iusiurandum	ὅρκος
tabulae	
testimonia	μάρτυρες.

πίστεις ἔντεχνοι are such proofs as the speaker can himself discover by applying the methods of Rhetoric to his case; they rest on logical processes, an attempt to

make the uncertain seem credible by means of the certain and the probable. Just as in Logic all proofs which convey a subjective conviction rest on Induction (ἐπαγωγή Quint. v. 11) or Syllogism (συλλογισμός, conclusion), so in Rhetoric proofs are based on παράδειγμα and ἐνθύμημα, rhetorical induction and rhetorical conclusion. As the παράδειγμα is a short form of induction, so ἐνθύμημα is a short form of syllogism, usually merely a statement with the grounds on which it is based. The enthymeme is built up from the probable and from indications, ἐξ εἰκότων and ἐκ σημείων.

It was in this division of the speech (*probatio*) that theoretical rhetoricians found scope for the introduction of novelties, and very various systems were set forward, which really differ in unimportant details (Quint. iii. 6. 22 of *tractatio, constitutio causae in hoc praecipue videtur mihi studium diversa tradendi fuisse*). The ingenuity of teachers of Rhetoric was especially devoted to the elaboration of *loci*, τόποι, under this head; Cornificius (and Cicero) thus treat, it would seem, this section on proofs, *tractatio*, as a special heading of *Topica*. *Tractatio*[1] thus consists of—

(1) *Probabile*, i.e. *cui bono?* who is interested? who is probably guilty? considering (α) *causa*, (β) *vita*.

(2) *Collatio:* how far do the allegations fit? who else is as likely to be guilty?

(3) *Signa:* arguments taken from place, time, duration, opportunity etc.

(4) *Argumentum:* positive evidence.

(5) *Consecutio:* evidence from subsequent behaviour.

[1] Cic. *de Or.* 15.

(6) *Approbatio:* the establishing the case by rhetorical commonplaces (*loci*), considerations of the value of witnesses, torture-evidence etc.

Cf. Cornif. 11. 2–9 or the analysis of the work given in Wilkin's *de Oratore* introd. p. 55.

§ 34. IV. *Refutatio*, λύσις (*reprehensio*).

The object of the *refutatio* is to refute everything which the opponent has urged or may urge against the speaker; summed up by the Greek writers under the one word ἀντίθεσις.

Aristotle, Anaximenes, Cornificius, and Cicero treat λύσις as part of the πίστεις: Quintilian (v. 13) was the first to make it into a separate division.

The ἀντιθέσεις which the λύσις must refute are of two kinds (α) ἄτεχνοι and (β) ἔντεχνοι or παραδειγματικοί, and of these it may attack either (i.) the material, or (ii.) the formal part, or (iii.) both; it will do so by ἀντισυλλογισμός, counter-argument, or ἐνστάσεις, *instantiae*, objections, instances. Later rhetoricians distinguished two kinds of λύσις—

(i.) λύσις κατὰ ἀνατροπήν (or κατ' ἔνστασιν), a *direct* refutation of the facts; in cases of *coniectura* and *definitio*.

(ii.) λύσις κατὰ μέθοδον, *indirect, in statu qualitatis, et in translatione*. Within this again the μέθοδοι were carefully subdivided, the most important being—

μέθοδος κατὰ περιτροπήν, taking the opponent's argument and converting it to one's own use, Arist. *Rhet.* ii. 23. 7, Quint. v. 13. 29.

μέθοδος κατὰ σύγκρουσιν, showing that the statements clash, are inconsistent, Quint. v. 13. 30, Arist. *Rhet.* ii. 29.

μέθοδος κατὰ μείωσιν, *elevatio*, depreciation, Quint. v. 13. 22.

μέθοδος κατὰ αὔξησιν, amplificatio.
ἀπαγωγὴ εἰς ἄτοπον, reductio ad absurdum.

But if the ἀντιθέσεις are ἄλυτοι, irrefutable in point of fact, the orator must take refuge in deceit and sophisms, e.g. he may (α) abuse his opponent, (β) shift the point, (γ) ignore the statements of the other side, (δ) misstate the case etc.; instances of this procedure are not uncommon in Demosthenes' speeches; cf. Maximus περὶ ἀλύτων ἀντιθέσεων, *Rhet. Gr.* v. 577, Quint. v. 13. The system of Topics is just the same as in *probatio*, but the *loci* are of course employed to the opposite purpose.

§ 35. With regard to the scientific division of the *Planciana*, Cicero himself probably regarded §§ 4–100 (i.e. everything between exordium and peroration) as *argumentatio* or *tractatio.* The speech, however, divides naturally, and has been divided by mediaeval rhetoricians, using the system inaugurated by Quintilian, into 4–58 *tractatio* proper, or *argumentatio* (sometimes called *contentio* = ἀγών), 58–100 *refutatio.*

The *tractatio* contains an argument from *probabile*, i.e. whose interests are involved—(α) *ex causa*, showing that Plancius had no motive for bribery; (β) *ex vita*, that such conduct is inconsistent with his character. The latter question he goes into at some length. The *refutatio* divides into rebutting the statements of Laterensis and Cassius the junior counsel, both of whom had attacked not only Plancius but Cicero himself.

The following is the rhetorical abstract (with some alterations) given by Olivetus :—

§ 36. *Argumentatio*

Reicit comparationem Plancii cum Laterensi
- *ne aut amicitiam laedat Laterensis*, § 5;
- *aut Plancii salutem deserat.*

causas tres affert cur Plancius praelatus in aedilitatis petitione

- I. *voluntatem populi; qui*
  - *non aequus dignitatis iudex;*
  - *supremus dominus, dignos praeterit;*
  - *movetur gratia;*
  - *cedit precibus;*
  - *magistratus dat demissius roganti;*
  - *rapitur subito impetu;*
  - *iudicat pro sua libertate;*
  - *nobilitati saepe non favet.*
- II. *studia Plancio faventium*
  - *municipum Atinatium;*
  - *vicinorum populorum;*
  - *patris et publicanorum eum amantium;*
  - *Ciceronis submisse supplicantis.*
- III. *vitam Plancii laudatissimam*
  - *publicam*
    - *in Africa, ubi contubernalis Torquati;*
    - *in Creta, ubi*
      - *contubernalis Saturnini,*
      - *miles Metelli;*
    - *in Macedonia, ubi*
      - *tribunus militum et quaestor;*
    - *Romae, ubi tribunus plebis.*
  - *privatam*
    - *erga patrem et patruos;*
    - *erga affines et propinquos.*

§§ 36–57. *legitime aedilis est factus Plancius; nil enim obiciendum esse*
- *de ambitu;*
- *de editione iudicum;*
- *de decuriatione tribuum;*
- *de coitione candidatorum.*

§ 37. *Refutatio* §§ 58–100

Cassio dicenti	*Laterensem ob nobilitatem Plancio praeferendum fuisse*	*respondet*	*virtuti solum patere honores, Plancio certe deesse*— *triumphos*, §§ 58–60 ; *artem militarem*, § 61 ; *eloquentiam ;* *iurisprudentiam*, § 62.
	non plus eum debere Plancio quam ceteris	*respondet*	*ceteros fateri, se obligatos ei quod Ciceronem iuvarit*, § 67 ; *suo tempore ceteris gratiam se relaturum ;* *tempus urgere, ut nunc referat Plancio.*
	vitae eius neminem posuisse insidias	*respondet*	*inimicorum suorum ferrum fuisse in foro ;* *flammam in delubris*, § 71.
	I. *eum mentiri*	*respondet*	*non ita se stupidum ut obligationem temere suscipiat*, § 72 ; *Laterensis testimonio probat se obligatum Plancio.*
	II. *Cassio irridenti lacrimulam in defensione Cispii*	*respondet*	*se flevisse plurimum ob defensoris sui cladem.*

§ 38. V. *Peroratio*, ἐπίλογος (*conclusio* or *cumulus*), Arist. *Rhet.* iii. 19, Cornif. 30. 47, Cic. *de Inv.* 1. 52. 98. The objects of the peroration are three :—

(i.) To sum up the main points of the speech and impress them on the memory of the audience = *rerum repetitio*, *recapitulatio*, *enumeratio*, ἀνακεφαλαίωσις, ἐπάνοδος, Quint. vi. 1. 1.

(ii.) To amplify or, if necessary, depreciate the act or circumstances of the act by means of commonplaces, *amplificatio*, Cic. *de Inv.* 1. 53.

(iii.) *Commiseratio*, *conquestio*, to rouse the emotions of the audience, stir their pity, anger, disgust etc. This is the main object of the epilogue ; and the stirring of the emotions was regarded as one of the chief aims of the whole art of Rhetoric. The feeling most commonly dealt with in the epilogue is pity ; hence *commiseratio* is often divided into—

(α) ἐλέου εἰσβολή.
(β) ἐλέου ἐκβολή.

To induce the audience to lay aside their feelings of compassion the orator was recommended to use τὸ γελοῖον, *ridiculum*, Quint. vi. 3, especially εἰρωνεία, a gentlemanly humour as distinct from βωμολοχία 'buffoonery,' Arist. *Rhet.* iii. 19, Cic. *Orat.* 26. 90, *de Or.* 2. 58–71 ; cf. Cramer *Anecd. Paris.* i. p. 403.

In the treatment of ἐλέου εἰσβολή, the stirring up pity or any other emotions, the ancients distinguished carefully between ἦθος and πάθος. ἦθος is the rather permanent impression or state of mind produced by considering the personality of the speaker, i.e. when his

character and his speech both harmonise with the feelings of his audience. On the personality of the speaker the ancients laid great stress; cf. Menander—

τρόπος ἔσθ' ὁ πείθων τοῦ λέγοντος οὐ λόγος.

Cf. Quint. vi. 2. 8, Roth 'Was ist das ἦθος in der alten Rhetorik?' Jahn's *Jahrb.* 1866 p. 855.

πάθος, mere feeling, is a transitory and excited frame of mind, a momentary disturbance of the reasoning intellectual side of the soul, owing to the undue prominence of will or desire, Arist. *Rhet.* ii. 1. 7, iii. 7 συνομοιοπαθεῖ ὁ ἀκούων τῷ παθητικῶς λέγοντι.

Cicero's perorations were always regarded as very emotional; that of the *pro Plancio* has rightly been called *flebilis*. Its synopsis is as follows:—

Peroratio, §§ 100–104

ad Plancium reum	*cuius deplorat vigilias pro sua salute susceptas;* *cui data auxilii promissa recitat;* *quem exulem secuturum se profitetur.*
ad iudices	*a quibus deprecatur Plancium,* *Plancii patrem aspici postulat,* *inimicorum gloriationem considerari,* *sui ipsius luctum ac metum.*

For amplification of the above summary the following works will be found useful:—

'Rhetorik der Griechen und Römer,' R. Volkmann, in I. Müller's *Handbuch* 2nd ed. ii.
'Rhetorik,' Freund, in *Triennium Philologicum* vol. v.
Blass *Die attische Beredsamkeit.*
Nixon *Notes on Latin Rhetoric.*
Cic. *de Oratore* ed. A. S. Wilkins.
Rehdantz *Dem. First Philippic.*
Jebb's *Attic Orators.*

MSS. OF *PLANCIANA*

§ 39. The text of this edition is in the main that of Landgraf as given in his edition of Köpke's *pro Plancio* published in 1888. He has followed the manuscript reading where possible, has himself made a new and careful recension of the leading MS. (*T*), and has incorporated in his text all the more recent contributions to the critical elucidation of the speech.[1]

The edition of Cicero's works by C. F. W. Müller (in the *Bibliotheca Teubneriana*) has been carefully compared, and a list of variants from that edition is given in the appendix.

Evolution of text.

§ 40. A brief notice of the chief manuscripts and editions is interesting as showing the evolution of a satisfactory text by careful work of many hands from very corrupt beginnings, and is typical of the history of the text of many of Cicero's speeches.

Manuscripts.

Of manuscripts there are several, two good ones, the rest classed as *deteriores* (*dett.*)

T.

(1) The oldest is *T*, *Codex Tegernseensis* or *Bavaricus*, now *Monacensis* (i.e. of Munich Cod. Lat. 18787). Originally in the monastery of Tegernsee in Bavaria, it was taken to Munich, whence it disappeared at the time of the French invasion of Bavaria;

[1] Lehmann (*Hermes* xiv. p. 217); Kraffert 'Beitr. zur Kritik' iii. *G. pr. Aurich.* 1883; Karsten *Spicilegium criticum.* Lugd. 1881; Madvig *Advers. Crit.* iii.; Weidner, Dortmunder Gym. prog. 1885.

in 1853 it was rediscovered by Baiter, who bought it in Paris from a bookseller who had received it from Hungary. The German scholar G. C. Harless (Erlangen 1770) first collated it before its disappearance, and communicated his results to Garatoni, librarian of the Barberini library at Rome, for his edition of the *Planciana*, published at Bologna in 1815. It has been newly collated for this speech by Landgraf. The MS. dates from the eleventh century.

§ 41. (2) *E*, *Codex Erfurtensis* or *Thuringicus* (*Petri Suffridi*), now *Berolinensis*. Formerly at Erfurt, then in the possession of Peter Suffrid of Thuringen, hence *Thuringicus*, afterwards of Gruter (Jan Gruytère, Heidelberg 1592), who by its aid corrected several passages in Cicero's speeches. Now at Berlin, hence *Berolinensis*. Collated by Graevius (J. G. Greffe, Utrecht 1660) rather carelessly. Wunder made a very exact study of it and devoted a special work to it.[1]

E.

The MS. is a parchment, large folio, written in double columns in a clear hand, titles and initials in red, with glosses [2] in the same hand.

[1] *Variae lectiones libr. aliquot M. T. Cic. ex Codice Erfurtensi enotatae ab E. Wunder*, Lipsiae 1827. Wunder's edition is accompanied by a lithographic facsimile.

[2] A gloss, γλῶσσα, is properly a strange or difficult word, and a γλώσσημα was the explanation of it written over the word or in the margin, but the term gloss is wrongly applied to the explanation; it should be called a 'glosseme.' Early grammarians made lists of these γλῶσσαι or unusual words, hence our word 'glossary.'

In Suffrid's time there were 298 pages, but 95 of these are now missing. The date of *E* is the fifteenth or sixteenth century.

E is a corpus of Cicero's works drawn from very different sources. Thus in one speech it may go back to a good original, in another to a corrupt one. In the case of the *Planciana T* and *E* seem both to be derived from one original, which must have been itself corrupt. It seems probable that in the ninth or tenth century there existed a current recension of most of Cicero's works into which readings were introduced by an intelligent critic; where then we have no good MS. to appeal to, conjecture must always be uncertain, and to this degree all MSS. of Cicero must be regarded as untrustworthy.[1]

Deteriores.

§ 42. Wunder[2] in his prolegomena to his edition of the speech mentions forty other MSS. of the *Planciana*, which can be classified as *deteriores.*

They are of very little use, their evidence being only worth noting where *T* and *E* disagree; they are for the most part of Italian origin, and of Italian MSS. Baiter said *interpolatis codicibus Italicis nulla fides haberi potest. Deteriores* may roughly be divided into

(*a*) Older MSS., which form the raw material out of which the fifteenth-century recension was made.

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[1] Lehmann, in Clarke's *pro Milone* p. xlix.

[2] For a more minute description of all the MSS. of the *pro Plancio* the reader is referred to Wunder's edition, *M. T. Cic. Oratio pro Cn. Plancio ad optimam codicum fidem emendavit P. Wunder.* Lipsiae, sumptibus C. H. F. Hartmanni, 1830.

(β) Later MSS., practically editions, corrected by conjecture, and by borrowing readings from the German MSS.[1]

The chief *deteriores* of the *pro Plancio* are

Three *Monacenses* at Munich. To one of these, *Salesburgensis*, considerable importance has been attached, apparently without reason.[2]

Three *Laurentiani* at Florence in the library attached to the church of San Lorenzo; one of these, Plut.[3] 48, number 18, is said to have been written by Petrarch.[4]

Ten *Oxonienses.*

With regard to the *Oxonienses* and other MSS., such as the *Lambiniani*,[5] it suffices to quote Wunder, *eorum longe plurimae ineptissimae corruptelae sunt.* All of them date back for the most part to the fifteenth and sixteenth centuries.

Scholia Bobiensia.

§ 43. But the most valuable assistance for the criticism of the text is derived from an ancient commentary, the so-called *Scholia Bobiensia*, *pars Vaticana* and *pars Ambrosiana*—a body

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[1] Cf. Clarke *pro Milone* Introd.

[2] Cf. ibid.

[3] Manuscripts are usually described by the name of the library in which they are, with the addition, if necessary, of the bookshelf (*pluteus*) and the number. Thus *Laurentianus* Plut. 48, num. 18.

[4] v. Bandino *Catal. cod. MS. bibl. Med. Laur.* vol. ii. pp. 443 foll.

[5] i.e. codices which at one time belonged to Lambinus, who used them in his edition of Cicero. Dionysius Lambinus = Denis Lambini (1520–1572) worked in Italy and Paris, where he was professor at the Collège de France.

of scholia[1] of different dates and different authority, but put together, as all scholars agree, in the fourth and fifth centuries.

These notes derive their name Bobiensia from the monastery of St. Columba at Bobio, whence they were taken to Milan and placed in the Ambrosian library there about 800; but, probably prior to their removal,[2] the parchment was scraped and cleaned to receive a copy of a Latin record of the acts of the Council of Chalcedon: similarly the Ambrosian MS. of Plautus was rewritten with the Vulgate of the second book of Kings. Just as in classical times scarcity of writing material frequently caused parchment to be used again, cf. Catullus xxii. 5 *perscripta, nec sicut fit in palimpsesto relata,* so in the Middle Ages parchment and papyrus were rewritten after the ink had been as far as possible erased. Most of the codices *rescripti, palimpsesti*[3] date from seventh to ninth century. But as the ink[4] used was frequently

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[1] A scholium, Greek σχόλιον, connected with σχολή in sense of 'that which is done in spare time, a dissertation,' properly means an interpretation, explanation, and is applied to the mass of notes collected by early scholars on the classical authors; such 'scholiasts' were sometimes well known, e.g. Servius, the commentator on Vergil in the fourth century: but more frequently the scholia represent accumulated notes of several generations of critics. Cf. Müller *Handbuch* i. p. 36.

[2] Most palimpsests were rewritten in seventh to ninth century.

[3] παλίμψηστοι, scraped again, πάλιν, ψάω.

[4] 'The ink of the ancients, τὸ μέλαν, *atramentum,* in general retained its colour most remarkably. For writing on papyrus lampblack ink (*russ-dinte*) was used, a mixture of lampblack and gum-arabic in solution with water. According to Dioscorides (*de*

of a metallic nature, neither washing nor scraping could obliterate it entirely; and by the application of various chemical reagents, especially hydro-sulphurate of ammonia,[1] the writing can be made visible again, sometimes permanently, sometimes only temporarily; photography too has been of great service in deciphering palimpsests.

The text of these Scholia Bobiensia is in two parts, *pars Ambrosiana* from *Tusculanos* in § 23 to the end of

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mat. med. 5. 182) it was composed of three parts lampblack (λιγνὺς ἐκ δᾳδίων) to one of κόμμι: Demosthenes in *de Cor.* mentions the rubbing of ink (§ 258 τὸ μέλαν τρίβων). The fluid of the cuttlefish (*Sepia*) was also used, but is not mentioned until the Roman period. Both of these kinds of ink could be washed entirely out, and a sponge is frequently mentioned as a necessary part of writing apparatus; cf. the witticism of Augustus (Suet. *Aug.* 89) about his unfinished tragedy, *Ajacem suum in spongeam incubuisse.* In the case, however, of the Berlin fragment of Ἀθηναίων πολιτεία a good deal of illegible writing on the papyrus was made legible by means of a very light sort of varnish. For parchment lampblack ink was unsatisfactory, and a ferrugineous gall-apple ink was adopted, first mentioned by Martianus Capella (A.D. 425) as *gallorum gummeosque commixtio.* In the Middle Ages vitriol ink was made by adding vitriol to the gall-apple ink. In preparing this the mixture was heated in some way or another, and was called in consequence ἔγκαυστον, Latin *incaustum*, Italian *inchiostro*, French *encre*, Dutch *inkt*, English *ink.* In addition to these black inks the Egyptians, and after them the Greeks and Romans, used a red ink usually of cinnabar (κιννάβαρι), or red-lead (*minium*); this was especially used for titles, hence *rubrica*, a red title of a law, then the law itself, Pers. v. 90' (Müller *Handbuch* i. p. 179).

[1] The commonest reagent in former times was tincture of gall; as this, however, turns the whole parchment black, it is unsatisfactory.

the commentary, and *pars Vaticana* containing commentary on §§ 1 – 22 to word *adversus;* the *pars Ambrosiana* was discovered by Cardinal Angelo Mai, the discoverer of most of the classical palimpsests, in the Ambrosian Library at Milan in 1814, and the *pars Vaticana* in the Vatican Library at Rome somewhat later; both parts were published by him in 1817. Unfortunately the text of this collection of Scholia is very fragmentary and corrupt, but it has been of great service in deciding the reading in §§ 20, 53, and 58.

The best edition is that of Orelli in *Edit. Tur. Schol.* pars ii. pp. 252 sq., 1833.

§ 44. The *Planciana* was very little studied in the Middle Ages even in the Renaissance times, and never attained to the popularity of such speeches as the *pro Marcello* and the *pro Archia.* But this fate it shared in common with many other speeches. Niebuhr says even Dante—as far as we can judge from his works—only knew Cicero in his works *de Finibus*, *Laelius*, *Cato maior*, *de Officiis* and *de Inventione.* Of Cicero's speeches in the twelfth and thirteenth centuries only the Catilinarian, Philippics, part of the Verrines, and the *de lege Manilia* were read. But when once the *Planciana* came into notice it was studied very carefully indeed, especially the text of it, and in the end of the eighteenth and beginning of the nineteenth centuries there is hardly any Ciceronian speech on which so much labour has been expended by eminent textual critics; e.g. both Garatoni and Orelli published separate works on the speech in addition to their editions of Cicero's whole works.

§ 45. The *pro Plancio* was first printed at Rome in 1471 in the *Ciceronis Orationes* of Sweynheym and Pannartz.

In 1498 the *Editio Princeps*[1] of Cicero's whole works appeared, a reimpression by Minutianus of the previous editions of separate works; for this no MSS. were consulted (Dibdin Introd. p. 390). It was also printed by Junta at Venice in 1534, under the supervision of P. Victorius. The Aldine edition (Aldus Manutius) did not come out till 1540, the text carefully revised and annotated by Paulus Manutius. Under the hands of various scholars, such as Lambinus, Graevius (Greffe, Utrecht, 1700), Ernesti, all of whom edited Cicero's works, a vast amount of notes, critical and exegetical, was accumulated, and these are the scholars

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[1] When, about 1450, printers from Germany began to settle in Rome, Florence, Venice and elsewhere, classical and theological works were printed in considerable numbers. One of the most noted firms, the Manuzzi in Venice, founded by Aldus Manutius (hence Aldine editions), published no less than twenty-eight first editions of the classics; these *editiones principes* or *incunabula* were usually brought out by some eminent scholar, who might be, as in the case of Paolo Manuzzio (Paulus Manutius, vide § 45), the publisher himself. Their value varies considerably in accordance with the MSS. on which the editor based his edition; in cases where he had access to a good MS. now lost, they are of course extremely valuable. Sometimes an *editio princeps* is the only source of a text; thus we have no MS. of Velleius Paterculus, the codex Murbacensis, the only one existing at the beginning of the sixteenth century, having been lost; we possess only the *editio princeps* printed from it in 1520 by Beatus Rhenanus (Bilde v. Rheinan).

for the most part who are referred to as *varii* in the description of so many editions, '*cum notis variorum.*' For further details the reader is referred to the list of editions below, § 46.

The *Planciana* itself has been edited singly by Garatoni 1815, Orelli 1825, who reprinted Garatoni's commentary, improved the text, and added notes of his own; by Wünder in 1830, a monumental work, the MSS. very carefully discussed, many original notes and a judicious selection of those of Manutius, Lambinus, Graevius, Ernesti etc. In 1873 Köpke brought out a German edition for schools, since re-edited and improved by Dr. Landgraf in 1888.

§ 46. *Summary*

MOST IMPORTANT EDITIONS OF ALL OR MOST OF CICERO'S WORKS

Date.	Name.	Where published.	
1471.	Editio princeps.	Rome.	The Orations only, Sweynheym and Pannartz.
1498.	Editio princeps of Cicero's whole works.	Milan.	
1534.	Junta.	Florence.	The Juntine edition.
1540.	P. Manutius.	Venice.	The Aldine edition.
1566.	Lambinus.	Paris.	
1684.	Graevius.	Amsterdam.	
1737.	Ernesti.	Leipsic.	
1777–1786.	Garatoni and Graevius.	Naples.	Not finished.
1826.	Orelli.	Zurich.	

Date.	Name.	Where published.	
1845–1862.	Orelli. Baiter. Halm.	Zurich.	
1860–1869.	Baiter. Kayser.	Leipsic.	
1878.	Eberhard. Hirschfelder.	Leipsic.	*XIX orationes in usum scholarum.*

EDITIONS OF THE *PRO PLANCIO*

1531.	F. Sylvius.	Paris.	
1815.	Garatoni.	Bologna.	*Curae secundae ad M. T. Ciceronis orationem pro Cn. Plancio ex optimo codice Bavarico.*
1825.	Orelli.	Leipsic.	
1830.	Wünder.	Leipsic.	
1864.	Keil.	Erlangen.	*Observationes criticae in Cic. or. pro Plancio.*
1873.	Köpke.	Leipsic.	Third Edition, 1888.
1881.	Holden.	Cambridge.	Third Edition, 1891.
1887.	Bonino.	Turin.	

ANALYSIS OF THE SPEECH

§§ 1–4 *Exordium.*—Cicero, whilst complaining on the one
hand that his enemies were taking the part of
Laterensis against his client and himself in this trial,
2 because Plancius had befriended him after his exile,
at the same time expresses his joy at seeing no one in
3 the jury who has not a warm sympathy for himself
and Plancius. However, it is not because of his
services to Cicero that Plancius is to be acquitted, but
because his innocence will be proved, and only after
proof has been given will the speaker appeal to the
4 jury to acquit his client. The defence presents many
difficulties, as Cicero is compelled to defend not only
Plancius but *himself* by the line which his opponents
have taken of attacking him indirectly through
Plancius, and trying to show that the services rendered
by the latter have been overstated and exaggerated.
That this is untrue Cicero hopes to show, and at the
same time he points out to the jury that the services
of Plancius ought to have considerable weight with
them in making their verdict.

5 Laterensis has no right to complain that in the election of aediles he has been passed over and Plancius elected; for the people neither criticise nor condemn in their elections, but follow their caprice; without maintaining in the least that Laterensis is inferior to Plancius or any other candidate, yet, Cicero believes, Laterensis has no right to blame the people for their choice, he must abide by their decision.

5–11 For, firstly, the choice of the people in the elections depends not on judgment but caprice, and we must acquiesce in their choice.

12–13 The reasons for the action of the people in passing over Laterensis are explained: he had been remiss in his canvassing, and was absent from Rome at the time when his presence was imperatively necessary; he had also retired from his candidature for the tribunate in the preceding year.

14–16 The question the jury have to consider is not *why* a man has been elected, but whether it has been owing to *largitio*, bribery, for the electors are free agents, and to introduce a system of weighing a man's rights or pretensions to office would be contrary to the spirit of the constitution.

17–19 A comparison of the personal merits of Plancius and Laterensis would be out of place, yet perhaps the people were justified in choosing Plancius; for if Laterensis maintains that his opponent owed his election to his high rank, he might make the same complaint against Plotius and Pedius, the other candidates, who were also sons of Roman knights. Some there must have been who valued Laterensis' high rank, but the number of those who thought otherwise was larger, and we must rest content with the fact that it is so.

19–21 Plancius was supported by his fellow-burgesses, his neighbours, and the whole population of his native district, the prefecture Atina; whilst the *municipium* of Tusculum, where Laterensis' family had long been highly respected, never stirred a finger on his behalf.

22–24 The fact, too, that Plancius' father had been a leading member of a tax-farming corporation (*publicanorum societas*) had materially assisted his canvass.

25–26 Some influence, too, in Plancius' favour had been exercised by Cicero himself, who, he states, had done his utmost for him out of gratitude for his inestimable kindness to him during his exile.

27–28 Plancius' personal character and general worth made him a fitting recipient of the office of aedile; as a youth he had gone to Africa with Aulus Torquatus, who valued him highly; under Qu. Metellus in Crete he served with distinction; in Macedonia he was military tribune and then quaestor, when he won golden opinions, not only from all the provincials, but also from his praetor Appuleius. In his private life, too, in his dealings with his kinsfolk, he has always shown himself a man of virtue and integrity.

29–35 Laterensis has cast certain aspersions on Plancius' character. These, Cicero shows, are either (1) untrue, or (2) mere distortions of facts really creditable to Plancius. It has been urged that the character of Plancius' father ought to have been a hindrance to his son's election; the reverse was the case. The elder Plancius is a well-known Roman knight, distinguished as a soldier, judge, and director of several of the great tax-farming companies. He may at times have expressed himself rather freely on political matters, but that has always been, as it were, a privilege of the knights, and implies no malice or dishonesty.

36–48 Laterensis' object in accusing Plancius under the *lex Licinia de sodaliciis* (illegal combinations) was that he might be enabled to choose a jury suitable to his interests; in this case he only deals with circumstances which come under the head of *ambitus,* not the special provisions of the *lex Licinia.* Moreover, he has transgressed the spirit of the law in not choosing jurymen from the members of the tribes whom he maintains without proof may have been bribed. Cicero shows that the Licinian law is inapplicable here, and challenges his opponent to show any violation of the laws of *sodalicium*, e.g. *decuriatio*, or buying votes. Plancius had merely availed himself of the ordinary method of gaining the goodwill of his fellow-citizens.

49–50 Plancius was as good as elected to the aedileship in the preceding year, when the elections were postponed. Even supposing he had wished to employ bribery, it would have been impossible owing to the short notice given of the *comitia.* All the same, if Laterensis had exerted himself to win popularity he might have gained several votes.

51–52 Laterensis need not consider that he has disgraced his name and his ancestry by this repulse, for (1) similar cases have often occurred before where the people have passed over men in the election to less important offices and yet have entrusted them with the higher honours of the State; Laterensis' career is not necessarily spoilt. (2) Laterensis made a serious mistake in retiring from his canvass for the tribuneship in the consulate of Caesar and Bibulus, for this showed a too independent spirit to please the people.

53–55 The charge of illegal coalition (*coitio*) against Plancius

is quite groundless. He did not combine with another candidate to deliberately prevent the election of a third candidate. Laterensis is wrong in stating that the equality of votes for Plancius and Plotius implies bribery of the electors; they could not have been elected if they had not both had a majority. Moreover, the Romans of old time would never have ordained that the election should, if necessary, be determined by lot had they not foreseen that equality of votes was possible. Laterensis maintains that at the first election Plotius had promised him the assistance of the Aniene tribe, Plancius that of the Terentine, but at the second election they had robbed him of their support by bribery. This assertion is inconsistent, for why should Plancius in the second election, when he knew that he had the confidence of the people, have grudged giving away the support of the tribes which was now no longer needful to him? Why, too, did not Laterensis charge Plotius just as much as Plancius?

55–58 What Laterensis has alleged about the sum of money discovered in the Circus Flaminius, that it was to have been used for bribes, could not be proved. The suspected *divisor* was brought before the consul and maintained his innocence. Laterensis can bring forward no *facts;* his proofs are unsound; he wishes to use his superior influence to crush Plancius, who has unfortunately many opponents both in public and private life. Cicero appeals to the jury not to allow themselves to be prejudiced by idle rumours about the defendant.

58–62 Cassius has asserted that Laterensis deserved to be preferred to Plancius because he was of noble birth. Cicero replies that at Rome the road to office is open to every citizen; the only circumstance which makes one man preferable to another in such matters is the distinction with which he has fulfilled the duties of those offices. 'Has Plancius any brilliant military exploits to bring forward on his own behalf? has he distinguished himself as an orator or lawyer in such a way as to deserve to be preferred to Laterensis?' No; he certainly served honourably and conscientiously in Crete and Macedonia as any Roman would; distinction in oratory, legal knowledge, or erudition generally he does not claim; besides, it is not such

qualities which fit a man for office, but integrity, common sense, and a blameless character.

63–67 Amongst Laterensis' claims to public favour, Cassius has mentioned that he gave games at Praeneste ; but that was the usual thing for a quaestor to do. If, however, emphasis is laid on the fact that at Cyrene Laterensis behaved with great liberality and fairness towards the *publicani* and others, the jury should remember how little is known in Rome of provincial affairs. Of this Cicero cites an instance from his own public life, at the same time showing how his experience taught him a lesson which Laterensis ought to have learned too —that to attain to office he must do his utmost to gain popularity at Rome.

68–71 Further, Cassius has asserted that Plancius' services to Cicero have been grossly exaggerated. Cicero owes no more to Plancius than to any other true patriot. Cicero admits that he is under an obligation to all patriots, but in the case of others circumstances have not arisen which facilitate the discharge of the obligation ; however, in Plancius' case such an opportunity *has* presented itself. Although many men who merited Cicero's gratitude have been condemned in the law-courts, that is no argument to prevent Cicero giving him all the help he can in this case. Cicero adds that his own dangers had not been exaggerated in order to magnify Plancius' merits ; it was the continued implacable enmity of Cicero's detractors which made the magnanimity of his friend Plancius all the more conspicuous.

71–74 Cicero—so Laterensis maintained—had invented these obligations to Plancius merely to suit the occasion, but, says Cicero, (1) is this likely? Men usually conceal rather than make much of obligations ; (2) Laterensis had himself asked Cicero to do his best for Plancius ; and (3) two years ago Cicero, at a time when there could be no question of temporising, in his speech before the senate had specially mentioned Plancius as one of his most zealous supporters.

75–76 Laterensis has chosen to mention Cicero's defence of Cispius, in which he says all his pathetic and tearful appeals were of no avail to gain an acquittal. Cicero shows that it was at Laterensis' special request that he undertook Cispius' defence, and that Laterensis

himself at the time admitted that the jury were affected by his speech.

77–82 According to the assertion of Laterensis, Plancius in his tribunate has been shown far less actively zealous on Cicero's behalf than L. Racilius; Cicero's obligations to Plancius are exaggerated. Cicero answers—even supposing Plancius had been less active in his support, that is no proof that it was from want of willingness, but merely that he, Cicero, must at some time repay the services of Racilius. The senate had chosen out Plancius to thank on Cicero's behalf, how could he therefore avoid seconding those thanks in the most substantial manner at the first opportunity? Such an opportunity is now present, as Plancius is in a dangerous position. Cicero repudiates as false Laterensis' statement that he only gives his services to those of his friends who are litigious: he is always ready to give his friends professional assistance, but would prefer that they should live in undisturbed quiet and never need his help.

83–85 Cicero, partly ironically, partly in earnest, rebuts three petty charges of Laterensis against his personal character—that he is too much given to pathos in his speeches, that he will only defend not prosecute in a case, that his witticisms are stale and out of place.

86–90 To Laterensis' charge of cowardice, that it was fear of death which caused Cicero to go into exile, when really the danger was not so great or his position so desperate, Cicero replies that he retired because he did not wish to embroil the State in civil war and involve his friends in his own misfortunes. Death he had never feared, but he did not wish to deprive the State of his support, or the opportunity of showing such gratitude as might be an example to posterity.

90–94 In answer to the assertion of Laterensis that Cicero had sacrificed his independence by his flattery of Pompey and Caesar, he replies that he had always given his best services to the Republic, but by various channels and in varied spheres of activity; still he was compelled to have some little regard for his own safety, and he has changed his political views only because that was the way by which he could best further the State's welfare: a politician must always move with the times.

94–100 Finally, Cicero maintains emphatically that Plancius'

services were really such as to demand from Cicero that he should do his very best to requite them ; he gives a vivid picture of the pitiable friendless position he was in when Plancius welcomed him in Macedonia. Both the dangers and the services were real, and it was right that Cicero's requital of them in this defence should be real also.

101–4 *Peroration.*—In the peroration Cicero appeals to the jury and to C. Flavius, the presiding judge, very pathetically not to send that Roman into exile who had been instrumental in preserving the life of one of Rome's greatest citizens—Cicero.

M. TULLI CICERONIS

PRO CN. PLANCIO ORATIO

§§ 1–4. *Many of my enemies are supporting this charge against Plancius merely because of his kindness to me during my exile; they wish to strike at me through Plancius; consequently, in vindicating my client's innocence I shall be compelled to say a good deal in justification of my own deeds.*

Cum propter egregiam et singularem Cn. Plancii, iudices, 1
in mea salute custodienda fidem tam multos et bonos viros eius honori viderem esse fautores, capiebam animo non mediocrem voluptatem, quod cuius officium mihi saluti fuisset, ei meorum temporum memoriam suffragari videbam. Cum autem audirem meos partim inimicos, partim invidos huic accusationi esse fautores eandemque rem adversariam esse in iudicio Cn. Plancio, quae in petitione fuisset adiutrix, dolebam, iudices, et acerbe ferebam, si huius salus ob eam ipsam causam esset infestior, quod is meam salutem atque vitam sua benivolentia
praesidio custodiaque texisset. Nunc autem vester, 2
iudices, conspectus et consessus iste reficit et recreat

mentem meam, cum intueor et contemplor unum quemque vestrum. Video enim hoc in numero neminem, cui mea salus non cara fuerit, cuius non exstet in me summum meritum, cui non sim obstrictus memoria beneficii sempiterna. Itaque non extimesco, ne Cn. Plancio custodia meae salutis apud eos obsit, qui me ipsi maxime salvum videre voluerunt, saepiusque, iudices, mihi venit in mentem admirandum esse M. Laterensem, hominem studiosissimum et dignitatis et salutis meae, reum sibi hunc potissimum delegisse, quam metuendum, ne vobis
3 id ille magna ratione fecisse videatur. Quamquam mihi non sumo tantum neque adrogo, iudices, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem. Nisi eius integerrimam vitam, modestissimos mores, summam fidem, continentiam, pietatem, innocentiam ostendero, nihil de poena recusabo: sin omnia praestitero, quae sunt a bonis viris exspectanda, petam, iudices, a vobis, ut cuius misericordia salus mea custodita sit, ei vos vestram misericordiam me deprecante tribuatis. Equidem ad reliquos labores, quos in hac causa maiores suscipio quam in ceteris, etiam hanc molestiam adsumo, quod mihi non solum pro Cn. Plancio dicendum est, cuius ego salutem non secus ac meam tueri debeo, sed etiam pro me ipso, de quo accusatores plura paene quam
4 de re reoque dixerunt. II. Quamquam, iudices, si quid est in me ipso ita reprehensum, ut id ab hoc seiunctum sit, non me id magnopere conturbat: non enim timeo, ne, quia perraro grati homines reperiantur, idcirco, cum me nimium gratum illi esse dicant, id mihi criminosum esse possit. Quae vero ita sunt agitata ab illis, ut aut

merita Cn. Plancii erga me minora esse dicerent quam a me ipso praedicarentur, aut si essent summa, negarent ea tamen ita magni, ut ego putarem, ponderis apud vos esse debere: haec mihi sunt tractanda, iudices, et modice, ne quid ipse offendam, et tum denique, cum respondero criminibus, ne non tam innocentia reus sua quam recordatione meorum temporum defensus esse videatur.

§§ 5–35. *My opponent almost compels me to make a comparison between himself and my client; but the case ought not to have been made a personal question. Laterensis has no right to complain that Plancius was preferred to him; for* (§§ 5–11) *the people, in electing to state offices, does not* judge; *and if, as is often the case, it follows its own caprice, we must put up with it.*

Sed mihi in causa facili atque explicata perdifficilis, 5
iudices, et lubrica defensionis ratio proponitur. Nam, si
tantum modo mihi necesse esset contra Laterensem dicere,
tamen id ipsum esset in tanto usu nostro tantaque amicitia
molestum. Vetus est enim lex illa iustae veraeque
amicitiae, quae mihi cum illo iam diu est, ut idem amici
semper velint: neque est ullum amicitiae certius vinculum
quam consensus et societas consiliorum et voluntatum.
Mihi autem non id est in hac re molestissimum, contra
illum dicere, sed multo illud magis, quod in ea causa
contra dicendum est, in qua quaedam hominum ipsorum
videtur facienda esse contentio. Quaerit enim Laterensis 6
atque hoc uno maxime urget, qua se virtute, qua laude
Plancius, qua dignitate superarit. Ita, si cedo illius
ornamentis, quae multa et magna sunt, non solum huius
dignitatis iactura facienda est, sed etiam largitionis

recipienda suspicio est: sin hunc illi antepono, contumeliosa habenda est oratio, et dicendum est id, quod ille me flagitat, Laterensem a Plancio dignitate esse superatum. Ita aut amicissimi hominis existimatio offendenda est, si illam accusationis condicionem sequar, aut optime de me meriti salus deserenda.

III. Sed ego, Laterensis, caecum me et praecipitem ferri confitear in causa, si aut te a Plancio aut a te illum dignitate potuisse superari dixero. Itaque discedam ab ea contentione, ad quam tu me vocas, et veniam ad illam,
7 ad quam me causa ipsa deducit. Quid? tu magistratuum dignitatis iudicem putas esse populum? Fortasse nonnunquam est. Utinam vero semper esset! Sed est perraro, et si quando est, in iis magistratibus est mandandis, quibus salutem suam committi putat: his levioribus comitiis diligentia et gratia petitorum honos paritur, non iis ornamentis, quae esse in te videmus. Nam quod ad populum pertinet, semper dignitatis iniquus iudex est, qui aut invidet aut favet: quamquam nihil potes in te, Laterensis, constituere, quod sit proprium
8 laudis tuae, quin id tibi sit commune cum Plancio. Sed hoc totum agetur alio loco: nunc tantum disputo de iure populi, qui et potest et solet nonnunquam dignos praeterire, nec si a populo praeteritus est, quem non oportuit, a iudicibus condemnandus est, qui praeteritus non est. Nam si ita esset, quod patres apud maiores nostros tenere non potuerunt, ut reprehensores essent comitiorum, id haberent iudices, vel quod multo etiam minus esset ferendum. Tum enim magistratum non gerebat is, qui ceperat, si patres auctores non erant facti: nunc postu-

latur a vobis, ut eius exitio, qui creatus sit, iudicium populi Romani reprehendatis.

Itaque quoniam qua nolui ianua sum ingressus in causam, sperare videor tantum afuturam esse orationem meam a minima suspicione offensionis tuae, te ut potius obiurgem, quod iniquum in discrimen adducas dignitatem tuam, quam ut eam ego ulla contumelia coner attingere.

IV. Tu continentiam, tu industriam, tu animum in rem 9
publicam, tu virtutem, tu innocentiam, tu fidem, tu labores tuos, quod aedilis non sis factus, fractos esse et abiectos et repudiatos putas? Vide tandem, Laterensis, quantum ego a te dissentiam. Si, me-dius fidius, decem soli essent in civitate viri boni, sapientes, iusti, graves, qui te indignum aedilitate iudicavissent, gravius de te iudicatum putarem, quam est hoc, quod tu metuis ne a populo iudicatum esse videatur. Non enim comitiis iudicat semper populus, sed movetur plerumque gratia, cedit precibus, facit eos, a quibus est maxime ambitus: denique, etiamsi iudicat, non dilectu aliquo aut sapientia ducitur ad iudicandum, sed impetu nonnunquam et quadam etiam temeritate. Non est enim consilium in vulgo, non ratio, non discrimen, non diligentia: semperque sapientes ea, quae populus fecisset, ferenda, non semper laudanda duxerunt. Quare cum te aedilem fieri oportuisse dicis, populi culpam, non competitoris accusas. Ut fueris 10
dignior quam Plancius—de quo ipso tecum ita contendam paulo post, ut conservem dignitatem tuam—sed ut fueris dignior, non competitor, a quo es victus, sed populus, a quo es praeteritus, in culpa est. In quo illud primum debes putare, comitiis, praesertim aediliciis, studium esse

populi, non iudicium: eblandita illa, non enucleata esse
suffragia: eos, qui suffragium ferant, quid cuique ipsi
debeant considerare saepius quam quid cuique a re
publica debeatur. Sin autem mavis esse iudicium, non
11 tibi id rescindendum est, sed ferendum. 'Male iudicavit
populus.'—At iudicavit.—'Non debuit.'—At potuit.—
'Non fero.'—At multi clarissimi et sapientissimi cives
tulerunt. Est enim haec condicio liberorum populorum
praecipueque huius principis populi et omnium gentium
domini atque victoris, posse suffragiis vel dare vel detrahere
quod velit cuique: nostrum est autem, nostrum, qui in
hac tempestate populi iactemur et fluctibus, ferre modice
populi voluntates, allicere alienas, retinere partas, placare
12 turbatas: honores si magni non putemus, non servire
populo: sin eos expetamus, non defetigari supplicando.

§§ 12–13. *The grounds which induced the people to choose Plancius rather than Laterensis are given in their own words. Laterensis has relied too much on his high birth, and not canvassed in a proper spirit; moreover, he kept away from Rome just at the time when his presence was most necessary.*

V. Venio iam ad ipsius populi partes, ut illius contra te oratione potius quam mea disputem. Qui si tecum congrediatur et si una loqui voce possit, haec dicat: 'Ego tibi, Laterensis, Plancium non anteposui, sed cum essetis aeque boni viri, meum beneficium ad eum potius detuli, qui a me contenderat, quam ad eum, qui mihi non nimis submisse supplicarat.' Respondebis, credo, te splendore et vetustate familiae fretum non valde ambiendum putasse. At vero te ille ad sua instituta suorumque maiorum

exempla revocabit: semper se dicet rogari voluisse, semper sibi supplicari: se M. Seium, qui ne equestrem quidem splendorem incolumem a calamitate iudicii retinere potuisset homini nobilissimo innocentissimo eloquentissimo, M. Pisoni, praetulisse: praeposuisse se Q. Catulo, summa in familia nato, sapientissimo et sanctissimo viro, non dico C. Serranum, stultissimum hominem—fuit enim tamen nobilis—non C. Fimbriam, novum hominem—fuit enim et animi satis magni et consilii—sed Cn. Manlium, non solum ignobilem, verum sine virtute, sine ingenio, vita etiam contempta ac sordida. 'Desiderarunt 13
te,' inquit, 'oculi mei, cum tu esses Cyrenis. Me enim quam socios tua frui virtute malebam, et, quo plus intererat, eo plus aberat a me, cum te non videbam. Deinde sitientem me virtutis tuae deseruisti ac reliquisti. Coeperas enim petere tribunatum plebis temporibus iis, quae istam eloquentiam et virtutem requirebant: quam petitionem cum reliquisses, si hoc indicasti, tanta in tempestate te gubernare non posse, de virtute tua dubitavi: si nolle, de voluntate. Sin, quod magis intellego, temporibus te aliis reservasti, ego vero te,' inquiet populus Romanus, 'ad ea tempora revocavi, ad quae tu te ipse servaras. Pete igitur eum magistratum, in quo mihi magnae utilitati esse possis: aediles quicunque erunt, iidem mihi sunt ludi parati: tribuni plebis permagni interest qui sint. Quare aut redde mihi quod ostenderas, aut si quod mea minus interest, id te magis forte delectat, reddam tibi istam aedilitatem etiam negligenter petenti: sed amplissimos honores ut pro dignitate tua consequare, condiscas censeo mihi paulo diligentius supplicare.'

§§ 14–16. *The duty of the court is not to inquire how a man has been elected, unless bribery has been employed. The people elect whom they like.*

14 VI. Haec populi oratio est; mea vero, Laterensis, haec: Quare victus sis, non debere iudicem quaerere, modo ne largitione sis victus. Nam si quotienscunque praeteritus erit is, qui non debuerit praeteriri, totiens oportebit eum, qui factus erit, condemnari, nihil est iam quod populo supplicetur, nihil quod diribitio suffragiorum, nihil quod renuntiatio exspectetur; simul ut, qui sint professi, videro, dicam: 'Hic familia consulari est, ille praetoria; reliquos video esse ex equestri loco; sunt omnes sine macula, sunt omnes aeque boni viri atque integri, sed servari necesse est gradus; cedat consulari generi praetorium: ne contendat cum praetorio nomine
15 equester locus.' Sublata sunt studia, exstinctae suffragationes, nullae contentiones, nulla libertas populi in mandandis magistratibus, nulla exspectatio suffragiorum: nihil, ut plerumque evenit, praeter opinionem accidet; nulla erit posthac varietas comitiorum. Sin hoc persaepe accidit, ut et factos aliquos et non factos esse miremur, si campus atque illae undae comitiorum, ut mare profundum et immensum, sic effervescunt quodam quasi aestu, ut ad alios accedant, ab aliis autem recedant: tanto nos in impetu studiorum et motu temeritatis modum
16 aliquem et consilium et rationem requiremus? Qua re noli me ad contentionem vestrum vocare, Laterensis. Etenim si populo grata est tabella, quae frontes aperit hominum, mentes tegit datque eam libertatem, ut quod velint faciant, promittant autem quod rogentur: cur tu id

in iudicio ut fiat exprimis, quod non fit in campo? 'Hic quam ille dignior' perquam grave est dictu. Quo modo igitur est aequius? Sic credo: quod agitur, quod satis est iudici: 'Hic factus est.' Cur iste potius quam ego? Vel nescio vel non dico vel denique, quod mihi gravissimum esset, si dicerem, sed impune tamen deberem dicere: 'Non recte,' num quid adsequerere, si illa extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset?

§§ 17–22. *Cicero, after stating that he will not compare the personal merits of Plancius and Laterensis, proceeds to show that Plancius won his election in a fair and usual way; his equestrian rank helped him; he was supported by the people of Atina and other towns in the neighbourhood.*

VII. Quid? si populi factum defendo, Laterensis, et **17**
doceo Cn. Plancium non obrepsisse ad honorem, sed eo venisse cursu, qui semper patuerit hominibus ortis hoc nostro equestri loco: possumne eripere orationi tuae contentionem vestrum, quae tractari sine contumelia non potest, et te ad causam aliquando crimenque deducere? Si, quod equitis Romani filius est, inferior esse debuit, omnes tecum equitum Romanorum filii petiverunt. Nihil dico amplius; hoc tamen miror, cur huic potissimum irascare, qui longissime a te afuit. Equidem, si quando, ut fit, iactor in turba, non illum accuso, qui est in summa sacra via, cum ego ad Fabium fornicem impellor, sed eum, qui in me ipsum incurrit atque incidit. Tu neque Q. Pedio, forti viro, suscenses neque huic A. Plotio, ornatissimo homini familiari meo, et ab eo, qui hos dimovit, potius quam ab iis, qui in te ipsum incubuerunt, te depulsum putas. Sed tamen haec tibi est prima cum **18**

Plancio generis vestri familiaeque contentio, qua abs te vincitur. (Cur enim non confitear quod necesse est?) Sed non hic magis quam ego a meis competitoribus et alias et in consulatus petitione vincebar. Sed vide ne haec ipsa, quae despicis, huic suffragata sint; sic enim conferamus. Est tuum nomen utraque familia consulare: num dubitas igitur, quin omnes, qui favent nobilitati, qui id putant esse pulcherrimum, qui imaginibus, qui nominibus vestris ducuntur, te aedilem fecerint? Equidem non dubito. Sed si parum multi sunt qui nobilitatem ament, num ista est nostra culpa? Etenim ad caput et ad fontem generis utriusque veniamus.

19 VIII. Tu es e municipio antiquissimo Tusculano, ex quo sunt plurimae familiae consulares, in quibus est etiam Iuventia; tot, quot ex reliquis municipiis omnibus non sunt. Hic est e praefectura Atinati, non tam prisca, non tam honorata, non tam suburbana. Quantum interesse vis ad rationem petendi? Primum utrum magis favere putas Atinates an Tusculanos suis? Alteri —scire enim hoc propter vicinitatem facile possum—cum huius ornatissimi atque optimi viri, Cn. Saturnini, patrem aedilem, cum praetorem viderunt, quod primus ille non modo in eam familiam, sed etiam in praefecturam illam sellam curulem attulisset, mirandum in modum laetati sunt; alteros—credo, quia refertum est municipium consularibus, nam malivolos non esse certo scio—numquam
20 intellexi vehementius suorum honore laetari. Habemus hoc nos, habent nostra municipia. Quid ego de me, de fratre meo loquar? quorum honoribus agri ipsi prope dicam montesque faverunt. Num quando vides Tuscu-

lanum aliquem de M. Catone illo in omne virtute principe, num de Ti. Coruncanio, municipe suo num de tot Fulviis gloriari? verbum nemo facit. At in quemcunque Arpinatem incideris, etiamsi nolis, erit tamen tibi fortasse etiam de nobis aliquid, sed certe de C. Mario audiendum. Primum igitur hic habuit studia suorum ardentia; tu tanta, quanta in hominibus iam saturatis honoribus esse potuerunt. Deinde tui municipes sunt illi quidem 21 splendidissimi homines, sed tamen pauci, siquidem cum Atinatibus conferantur; huius praefectura plena virorum fortissimorum, sic ut nulla tota Italia frequentior dici possit. Quam quidem nunc multitudinem videtis, iudices, in squalore et luctu supplicem vobis. Hi tot equites Romani, tot tribuni aerarii—nam plebem a iudicio dimisimus, quae cuncta comitiis adfuit—quid roboris, quid dignitatis huius petitioni attulerunt? Non enim tribum Teretinam, de qua dicam alio loco, sed dignitatem, sed oculorum coniectum, sed solidam et robustam et adsiduam frequentiam praebuerunt. Nostra municipia coniunctione etiam vicinitatis vehementer moventur. IX. 22 Omnia, quae dico de Plancio, dico expertus in nobis; sumus enim finitimi Atinatibus. Laudanda est vel etiam admiranda vicinitas retinens veterem illam officii rationem, non infuscata malivolentia, non adsueta mendaciis, non fucosa, non fallax, non erudita artificio simulationis vel suburbano vel etiam urbano. Nemo Arpinas non Plancio studuit, nemo Soranus, nemo Casinas, nemo Aquinas. Tractus ille celeberrimus, Venafranus, Allifanus, tota denique nostra illa aspera et montuosa et fidelis et simplex et fautrix suorum regio se huius honore ornari, se augeri

dignitate arbitrabatur: isdemque nunc ex municipiis adsunt equites Romani publice cum legatione testimonio, nec minore nunc sunt sollicitudine quam tum erant studio.

§§ 23–30. *Plancius' election was also furthered by the influence of his father, one of the most prominent of the* publicani; *by Cicero's exertions on his behalf, in return for kindness received during exile; lastly, Plancius' private character and general worth made him, in the eyes of the people, a most worthy recipient of the aedileship.*

23 Etenim est gravius spoliari fortunis quam non augeri dignitate. Ergo ut alia in te erant illustriora, Laterensis, quae tibi maiores tui reliquerant, sic te Plancius hoc non solum municipii, verum etiam vicinitatis genere vincebat. Nisi forte te Labicana aut Gabina aut Bovillana vicinitas adiuvabat: quibus e municipiis vix iam, qui carnem Latinis petant, reperiuntur. Adiungamus, si vis, id, quod tu huic obesse etiam putas, patrem publicanum: qui ordo quanto adiumento sit in honore quis nescit? Flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae publicanorum ordine
24 continetur. Quis est igitur, qui neget ordinis eius studium fuisse in honore Plancii singulare? Neque iniuria, vel quod erat pater is, qui est princeps iam diu publicanorum, vel quod is ab sociis unice diligebatur, vel quod diligentissime rogabat, vel quia pro filio supplicabat, vel quod huius ipsius in illum ordinem summa officia quaesturae tribunatusque constabant, vel quod illi in hoc ornando ordinem se ornare et consulere liberis suis arbitrabantur.

X. Aliquid praeterea — timide dico, sed tamen

dicendum est:—non enim opibus, non invidiosa gratia, non potentia vix ferenda, sed commemoratione beneficii, sed misericordia, sed precibus aliquid attulimus etiam nos. Appellavi populum tributim, submisi me et supplicavi: ultro me hercule se mihi etiam offerentes, ultro pollicentes rogavi. Valuit causa rogandi, non gratia. Nec si vir 25
amplissimus, cui nihil est quod roganti concedi non iure possit, de aliquo, ut dicis, non impetravit, ego sum arrogans, quod me valuisse dico. Nam ut omittam illud, quod ego pro eo laborabam, qui valebat ipse per sese, rogatio ipsa semper est gratiosissima, quae est officio necessitudinis coniuncta maxime. Neque enim ego sic rogabam, ut petere viderer, quia familiaris esset meus, quia vicinus, quia huius parente semper plurimum essem usus, sed ut quasi parenti et custodi salutis meae. Non potentia mea, sed causa rogationis fuit gratiosa. Nemo mea restitutione laetatus est, nemo iniuria doluit, cui non huius in me misericordia grata fuerit. Etenim si ante 26
reditum meum Cn. Plancio se vulgo viri boni, cum hic tribunatum peteret, ultro offerebant: cui nomen meum absentis honori fuisset, ei meas praesentes preces non putas profuisse? An Minturnenses coloni, quod C. Marium e civili ferro atque ex impiis manibus eripuerunt, quod tecto receperunt, quod fessum inedia fluctibusque recrearunt, quod viaticum congesserunt, quod navigium dederunt, quod eum linquentem terram eam, quam servarat, votis, ominibus lacrimisque prosecuti sunt, aeterna in laude versantur: Plancio, quod me vel vi pulsum vel ratione cedentem receperit, iuverit, custodierit, his et senatui populoque Romano, ut haberent quem

reducerent, conservarit, honori hanc fidem, misericordiam, virtutem fuisse miraris?

27 XI. Vitia mehercule Cn. Plancii res eae, de quibus dixi, tegere potuerunt, ne tu in ea vita, de qua iam dicam, tot et tanta adiumenta huic honori fuisse mirere. Hic est enim, qui adulescentulus cum A. Torquato profectus in Africam sic ab illo gravissimo et sanctissimo atque omni laude et honore dignissimo viro dilectus est, ut et contubernii necessitudo et adulescentis modestissimi pudor postulabat. Quod, si adesset, non minus ille declararet quam hic illius frater patruelis et socer, T. Torquatus, omni illi et virtute et laude par, qui est quidem cum illo maximis vinclis et propinquitatis et adfinitatis coniunctus, sed ita magnis amoris, ut illae necessitudinis causae leves esse videantur. Fuit in Creta postea contubernalis Saturnini, propinqui sui; miles huius Q. Metelli, cui cum fuerit probatissimus hodieque sit, omnibus esse se probatum debet sperare. In ea provincia legatus fuit C. Sacerdos, qua virtute, qua constantia vir! L. Flaccus, qui homo, qui civis! qui qualem hunc putent adsiduitate testimonioque declarant.
28 In Macedonia tribunus militum fuit; in eadem provincia postea quaestor. Primum Macedonia sic eum diligit, ut indicant hi principes civitatum suarum; qui cum missi sint ob aliam causam, tamen huius repentino periculo commoti huic adsident, pro hoc laborant, huic si praesto fuerint, gratius se civitatibus suis facturos putant quam si legationem suam et mandata confecerint. L. vero Apuleius hunc tanti facit, ut morem illum maiorum, qui praescribit in parentum loco quaestoribus suis praetores

esse oportere, officiis benivolentiaque superarit. Tribunus plebis fuit, non fortasse tam vehemens quam isti, quos tu iure laudas, sed certe talis, quales si omnes semper fuissent, numquam desideratus vehemens esset tribunus.

XII. Omitto illa, quae si minus in scaena sunt, at 29
certe, cum sunt prolata, laudantur, ut vivat cum suis, primum cum parente—nam meo iudicio pietas fundamentum est omnium virtutum—quem veretur ut deum —neque enim multo secus est parens liberis—amat vero ut sodalem, ut fratrem, ut aequalem. Quid dicam cum patruo, cum adfinibus, cum propinquis, cum hoc Cn. Saturnino, ornatissimo viro? cuius quantam honoris huius cupiditatem fuisse creditis, cum videtis luctus societatem? Quid de me dicam, qui mihi in huius periculo reus esse videor? quid de his tot viris talibus, quos videtis veste mutata? Atque haec sunt indicia, iudices, solida et expressa, haec signa probitatis non fucata forensi specie, sed domesticis inusta notis veritatis. Futtilis est illa occursatio et blanditia popularis: adspicitur, non attrectatur; procul apparet, non excutitur, non in manus sumitur.
Omnibus igitur rebus ornatum hominem tam externis 30
quam domesticis, nonnullis rebus inferiorem quam te, generis dico et nominis, superiorem aliis, municipum vicinorum societatum studio, meorum temporum memoria, parem virtute integritate modestia aedilem factum esse miraris?

§§ 30–35. *Cicero shows that the imputations cast by Laterensis on Plancius' life and conduct are entirely unfounded.*

Hunc tu vitae splendorem maculis adspergis istis?

Iacis adulteria, quae nemo non modo nomine, sed ne suspicione quidem possit agnoscere. 'Bimaritum' appellas, ut verba etiam fingas, non solum crimina. Ductum esse ab eo in provinciam aliquem dicis libidinis causa, quod non crimen est, sed impunitum in maledicto mendacium. Raptam esse mimulam; quod dicitur Atinae factum a iuventute vetere quodam in scaenicos iure maximeque

31 oppidano. O adulescentiam traductam eleganter! cui quidem cum quod licuerit obiciatur, tamen id ipsum falsum reperiatur.—'Emissus aliqui e carcere.'—Et quidem emissus per imprudentiam, emissus, ut cognostis, necessarii hominis optimique adulescentis rogatu: idem postea praemandatis requisitus. Atque haec nec ulla alia sunt coniecta maledicta in eius vitam, de cuius vos pudore religione integritate dubitetis. XIII. 'Pater vero,' inquit, 'etiam obesse filio debet.' O vocem duram atque indignam tua probitate, Laterensis! Pater ut in iudicio capitis, pater ut in dimicatione fortunarum, pater ut apud tales viros obesse filio debeat? qui si esset turpissimus, si sordidissimus, tamen ipso nomine patrio valeret apud clementes iudices et misericordes: valeret, inquam, communi sensu omnium et dulcissima commen-

32 datione naturae. Sed cum sit Cn. Plancius is eques Romanus, ea primum vetustate equestris nominis, ut pater, ut avus, ut maiores eius omnes equites Romani fuerint, summum in praefectura florentissima gradum tenuerint et dignitatis et gratiae: deinde ut ipse in legionibus P. Crassi imperatoris inter ornatissimos homines, equites Romanos, summo splendore fuerit: ut postea princeps inter suos plurimarum rerum sanctissimus et iustissimus

iudex, maximarum societatum auctor, plurimarum magister:
si non modo in eo nihil unquam reprehensum, sed laudata
sunt omnia, tamen is oberit honestissimo filio pater, qui
vel minus honestum et alienum tueri vel auctoritate sua
vel gratia possit?—'Asperius,' inquit, 'locutus est 33
aliquid aliquando.'—Immo fortasse liberius.—'At id
ipsum,' inquit, 'non est ferendum.'—Ergo ii ferendi
sunt, qui hoc queruntur, libertatem equitis Romani se
ferre non posse? Ubinam ille mos? ubi illa aequitas
iuris? ubi illa antiqua libertas, quae malis oppressa civili-
bus extollere iam caput et aliquando recreata se erigere
debebat? Equitum ego Romanorum in homines nobilis-
simos maledicta, publicanorum in Q. Scaevolam, virum
omnibus ingenio, iustitia, integritate praestantem, aspere
et ferociter et libere dicta commemorem?

XIV. Consuli P. Nasicae praeco Granius medio in
foro, cum ille edicto iustitio domum decedens rogasset
Granium, quid tristis esset; an quod reiectae auctiones
essent: 'Immo vero,' inquit, 'quod legationes.' Idem
tribuno plebis potentissimo homini, M. Druso, sed multa
in re publica molienti, cum ille eum salutasset, et, ut fit,
dixisset: 'Quid agis, Grani?' respondit: 'Immo vero
tu, Druse, quid agis?' Ille L. Crassi, ille M. Antonii
voluntatem asperioribus facetiis saepe perstrinxit impune;
nunc usque eo est oppressa nostra adrogantia civitas, ut,
quae fuit olim praeconi in ridendo, nunc equiti Romano
in plorando non sit concessa libertas? Quae enim unquam 34
fuit Planci vox contumeliae potius quam doloris? quid
est autem unquam questus, nisi cum a sociis et a se
iniuriam propulsaret? Cum senatus impediretur, quo

minus, id quod hostibus semper erat tributum, responsum equitibus Romanis redderetur, omnibus illa iniuria dolori fuit publicanis, sed eum ipsum dolorem hic tulit paulo apertius. Communis ille sensus in aliis fortasse latuit: hic, quod cum ceteris animo sentiebat, id magis quam
35 ceteri et vultu promptum habuit et lingua. Quamquam, iudices—agnosco enim ex me—permulta in Plancium, quae ab eo nunquam dicta sunt, conferuntur. Ego quia dico aliquid aliquando, non studio adductus, sed aut contentione dicendi aut lacessitus, et quia, ut fit in multis, exit aliquando aliquid si non perfacetum, at tamen fortasse non rusticum, quod quisque dixit, me id dixisse dicunt. Ego autem, si quid est, quod mihi scitum esse videatur et homine ingenuo dignum atque docto, non aspernor: stomachor, cum aliorum non me digna in me conferuntur. Nam quod primus scivit legem de publicanis tum, cum vir amplissimus consul id illi ordini per populum dedit, quod per senatum, si licuisset, dedisset: si in eo crimen est, quia suffragium tulit, quis non tulit publicanus? si, quia primus scivit, utrum id sortis esse vis an eius, qui illam legem ferebat? Si sortis, nullum crimen est in casu: si consulis, splendor etiam Planci hunc a summo viro principem esse ordinis iudicatum.

§§ 36–57. *The second part of the speech. Cicero considers the* legal *aspect of the case, and shows that Laterensis cannot* prove *that Plancius made use of bribery and corruption, that Laterensis has acted contrary to the spirit of the law in accusing Plancius under the* Lex Licinia (§§ 36–48).

36 XV. Sed aliquando veniamus ad causam. In qua tu

nomine legis Liciniae, quae est de sodaliciis, omnes
ambitus leges complexus es. Neque enim quidquam
aliud in hac lege nisi editicios iudices es secutus: quod
genus iudiciorum si est aequum ulla in re nisi in hac
tribuaria, non intellego, quam ob rem senatus hoc uno in
genere tribus edi voluerit ab accusatore neque eandem
editionem transtulerit in ceteras causas, de ipso denique
ambitu reiectionem fieri voluerit iudicum alternorum,
cumque nullum genus acerbitatis praetermitteret, hoc
tamen unum praetereundum putarit. Quid? huiusce rei 37
tandem obscura causa est, an et agitata tum, cum ista in
senatu res agebatur, et disputata hesterno die copiosissime
a Q. Hortensio, cui tum est senatus adsensus? Hoc
igitur sensimus: 'cuiuscumque tribus largitor esset, et
per hanc consensionem, quae magis honeste quam vere
sodalitas nominaretur, quam quisque tribum turpi largi-
tione corrumperet, eum maxime iis hominibus, qui eius
tribus essent, esse notum.' Ita putavit senatus, cum reo
tribus ederentur eae, quas is largitione devinctas haberet,
eosdem fore testes et iudices. Acerbum omnino genus
iudicii, sed tamen, si vel sua vel ea, quae maxime esset
cuique coniuncta, tribus ederetur, vix recusandum.
XVI. Tu autem, Laterensis, quas tribus edidisti? 38
Teretinam, credo. Fuit certe id aequum et certe ex-
spectatum est et fuit dignum constantia tua. Cuius tu
tribus venditorem et corruptorem et sequestrem Plancium
fuisse clamitas, eam tribum profecto, severissimorum
praesertim hominum et gravissimorum, edere debuisti.
At Voltiniam: lubet enim tibi nescio quid etiam de illa
tribu criminari. Hanc igitur ipsam cur non edidisti?

Quid Plancio cum Lemonia? quid cum Ufentina? quid cum Clustumina? Nam Maeciam, non quae iudicaret,
39 sed quae reiceretur, esse voluisti. Dubitatis igitur, iudices, quin vos M. Laterensis suo iudicio, non ad sententiam legis, sed ad suam spem aliquam de civitate delegerit? dubitatis, quin eas tribus, in quibus magnas necessitudines habet Plancius, cum ille non ediderit, iudicarit officiis ab hoc observatas, non largitione corruptas? Quid enim potest dicere, cur ista editio non summam habeat acerbitatem remota ratione illa, quam
40 in decernendo secuti sumus? Tu deligas ex omni populo aut amicos tuos aut inimicos meos aut denique eos, quos inexorabiles, quos inhumanos, quos crudeles existimes? tum me ignaro, nec opinante, inscio notes et tuos et tuorum amicorum necessarios, iniquos vel meos vel etiam defensorum meorum, eodemque adiungas, quos natura putes asperos atque omnibus iniquos? deinde effundas repente, ut ante consessum meorum iudicum videam, quam potuerim, qui essent futuri suspicari, apud eosque me ne quinque quidem reiectis, quod in proximo reo de consilii sententia constitutum est, cogas causam de
41 fortunis omnibus dicere? Non enim, si aut Plancius ita vixit, ut offenderet sciens neminem, aut tu ita errasti, ut eos ederes imprudens, ut nos invito te tamen ad iudices, non ad carnifices veniremus, idcirco ista editio per se non acerba est.

XVII. An vero nuper clarissimi cives nomen editicii iudicis non tulerunt, cum ex CXXV iudicibus, principibus equestris ordinis, quinque et LXX reus reiceret, L referret omniaque potius permiscuerunt, quam ei legi condicionique

parerent: nos neque ex delectis iudicibus, sed ex omni
populo, neque editos ad reiciendum, sed ab accusatore
constitutos iudices ita feremus, ut neminem reiciamus?
Neque ego nunc legis iniquitatem queror, sed factum 42
tuum a sententia legis doceo discrepare: et illud acerbum
iudicium si, quem ad modum senatus censuit populusque
iussit, ita fecisses, ut huic et suam et ab hoc observatas
tribus ederes, non modo non quererer, sed hunc iis iudi-
cibus editis, qui iidem testes esse possent, absolutum
putarem: neque nunc multo secus existimo. Cum enim
has tribus edidisti, ignotis te iudicibus uti malle quam
notis indicavisti: fugisti sententiam legis: aequitatem
omnem reiecisti: in tenebris quam in luce causam versari
maluisti. 'Voltinia tribus ab hoc corrupta, Teretinam 43
habuerat venalem. Quid diceret apud Voltinienses aut
apud tribules suos iudices?' Immo vero tu quid diceres?
quem iudicem ex illis aut tacitum testem haberes aut
vero etiam excitares? Etenim, si reus tribus ederet,
Voltiniam fortasse Plancius propter necessitudinem ac
vicinitatem, suam vero certe edidisset. Vel si quaesitor
huic edendus fuisset, quem tandem potius quam hunc C.
Alfium, quem habet, cui notissimus esse debet, vicinum,
tribulem, gravissimum hominem iustissimumque edidisset?
cuius quidem aequitas et ea voluntas erga Cn. Plancii
salutem, quam ille sine ulla cupiditatis suspicione prae
se fert, facile declarat non fuisse fugiendos tribules huic
iudices, cui quaesitorem tribulem exoptandum fuisse
videatis.

XVIII. Neque ego nunc consilium reprehendo tuum, 44
quod eas tribus, quibus erat hic maxime notus, non

edideris: sed a te doceo consilium non servatum senatus. Etenim quis te tum audiret illorum aut quid diceres? Sequestremne Plancium? respuerent aures, nemo agnosceret. An gratiosum? illi libenter audirent, nos non timide confiteremur. Noli enim putare, Laterensis, legibus istis, quas senatus de ambitu sanciri voluerit, id esse actum, ut suffragatio, ut observantia, ut gratia tolleretur. Semper fuerunt viri boni, qui apud tribules
45 suos gratiosi esse vellent. Neque vero tam durus in plebem noster ordo fuit, ut eam coli nostra modica liberalitate noluerit: neque hoc liberis nostris interdicendum est, ne observent tribules suos, ne diligant, ne conficere necessariis suis suam tribum possint, ne par ab iis munus in sua petitione exspectent. Haec enim plena sunt officii, plena observantiae, plena etiam antiquitatis. Isto in genere et fuimus ipsi, cum ambitionis nostrae tempora postulabant, et clarissimos viros esse vidimus et hodie esse volumus quam plurimos gratiosos. Decuriatio tribulium, discriptio populi, suffragia largitione devincta severitatem senatus et bonorum omnium iram ac dolorem excitarunt. Haec doce, haec profer, huc incumbe, Laterensis, decuriasse Plancium, conscripsisse, sequestrem fuisse, pronuntiasse, divisisse: tum mirabor te iis armis uti, quae tibi lex dabat, noluisse. Tribulibus enim iudicibus non modo severitatem illorum, si ista vera
46 sunt, sed ne vultus quidem ferre possemus. Hanc tu rationem cum fugeris cumque eos iudices habere nolueris, quorum in huius delicto cum scientia certissima tum dolor gravissimus esse debuerit, quid apud hos dices, qui abs te taciti requirunt, cur sibi hoc oneris imposueris,

cur se potissimum delegeris, cur denique se divinare malueris quam eos, qui scirent, iudicare? XIX. Ego Plancium, Laterensis, et ipsum gratiosum esse dico et habuisse in petitione multos cupidos sui gratiosos: quos tu si sodales vocas, officiosam amicitiam nomine inquinas criminoso: sin, quia gratiosi sint, accusandos putas, noli mirari te id, quod tua dignitas postularit, repudiandis gratiosorum amicitiis non esse adsecutum. Nam ut ego **47**
doceo gratiosum esse in sua tribu Plancium, quod multis benigne fecerit, pro multis spoponderit, in operas plurimos patris auctoritate et gratia miserit, quod denique omnibus officiis per se, per patrem, per maiores suos totam Atinatem praefecturam comprehenderit, sic tu doce sequestrem fuisse, largitum esse, conscripsisse, tribules decuriavisse. Quod si non potes, noli tollere ex ordine nostro liberalitatem, noli maleficium putare esse gratiam, noli observantiam sancire poena.

Itaque haesitantem te in hoc sodaliciorum tribuario crimine ad communem ambitus causam contulisti, in qua desinamus aliquando, si videtur, vulgari et pervagata declamatione contendere. Sic enim tecum ago. Quam **48**
tibi commodum est, tribum unam delige; tu doce id, quod debes, per quem sequestrem, quo divisore corrupta sit; ego, si id facere non potueris, quod, ut opinio mea fert, ne incipies quidem, per quem tulerit, docebo. Estne haec vera contentio? placetne sic agi? Num possum magis pedem conferre, ut aiunt, aut propius accedere? Quid taces? quid dissimulas? quid tergiversaris? Etiam atque etiam insto atque urgeo, insector, posco atque adeo flagito crimen: quamcunque tribum, inquam, delegeris,

quam tulerit Plancius, tu ostendito, si poteris, vitium: ego qua ratione tulerit docebo. Neque erit haec alia ratio Plancio ac tibi, Laterensis. Nam ut, quas tribus tu tulisti, si iam ex te requiram, possis, quorum studio tuleris, explicare, sic ego hoc contendo, me tibi ipsi adversario, cuiuscunque tribus rationem poposceris, redditurum.

§§ 49–50. *Plancius was practically elected the year before, when the comitia were postponed. Bribery then was impossible, owing to the short notice given of the elections.*

49 XX. Sed cur sic ago? quasi non comitiis iam superioribus sit Plancius designatus aedilis: quae comitia primum habere coepit consul cum omnibus in rebus summa auctoritate tum harum ipsarum legum ambitus auctor: deinde habere coepit subito praeter opinionem omnium, ut, ne si cogitasset quidem largiri quispiam, daretur spatium comparandi. Vocatae tribus, latum suffragium, diribitae tabellae, renuntiatae: longe plurimum valuit Plancius; nulla largitionis nec fuit nec esse potuit suspicio. Ain' tandem? una centuria praerogativa tantum habet auctoritatis, ut nemo unquam eam tulerit, quin renuntiatus sit aut iis ipsis comitiis consul prior aut certe in illum annum: aedilem tu Plancium factum esse miraris, in quo non exigua pars populi, sed universus populus voluntatem suam declararit, cuius in honore non unius tribus pars, sed comitia tota fuerint praerogativa?
50 Quo quidem tempore, Laterensis, si id facere voluisses aut si gravitatis esse putasses tuae, quod multi nobiles saepe fecerunt, ut, cum minus valuissent suffragiis quam

putassent, postea prolatis comitiis prosternerent se et populo Romano fracto animo atque humili supplicarent, non dubito, quin omnis ad te se conversura fuerit multitudo. Nunquam enim fere nobilitas, integra praesertim atque innocens, a populo Romano supplex repudiata est. Sed si tibi gravitas tua et magnitudo animi pluris fuit, sicuti esse debuit, quam aedilitas, noli, cum habeas id, quod malueris, desiderare id, quod minoris putaris. Equidem primum, ut honore dignus essem, maxime semper laboravi: secundo ut existimarer: tertium mihi fuit illud, quod plerisque primum est, ipse honos; qui iis denique debet esse iucundus, quorum dignitati populus Romanus testimonium, non beneficium ambitioni dedit.

§§ 51–53. *Laterensis must not think that he has done discredit to his ancestors because he has failed to obtain the aedileship, for* (1) *many famous men have failed similarly, and yet attained to the highest honours in the State; and* (2) *the independent line he has always followed in politics, especially in retiring from his candidature for the tribuneship, had caused considerable prejudice against him.*

XXI. Quaeris etiam, Laterensis, quid imaginibus tuis, **51**
quid ornatissimo atque optimo viro, patri tuo, respondeas mortuo. Noli ista meditari, atque illud cave potius, ne tua ista querella dolorque nimius ab illis sapientissimis viris reprehendatur. Vidit enim pater tuus Appium Claudium, nobilissimum hominem, vivo patre suo, potentissimo et clarissimo civi, C. Claudio, aedilem non esse factum et eundem sine repulsa factum esse consulem: vidit hominem sibi maxime coniunctum, egregium virum, L. Volcatium, vidit M. Pisonem ista in aedilitate offensi-

uncula accepta summos a populo Romano esse honores adeptos. Avus vero tuus et P. Nasicae tibi aediliciam praedicaret repulsam, quo cive neminem ego statuo in hac re publica fortiorem, et C. Marii, qui duabus aedilitatibus repulsus septiens consul est factus, et L. Caesaris, Cn. Octavii, M. Tullii: quos omnes scimus aedilitate
52 praeteritos consules esse factos. Sed quid ego aedilicias repulsas colligo? quae saepe eius modi habitae sunt, ut iis, qui praeteriti essent, benigne a populo factum videretur. Tribunus militum L. Philippus, summa nobilitate et eloquentia, quaestor C. Caelius, clarissimus ac fortissimus adulescens, tribuni plebis P. Rutilius Rufus, C. Fimbria, C. Cassius, Cn. Orestes facti non sunt: quos tamen omnes consules factos scimus esse. Quae tibi ultro pater et maiores tui non consolandi tui gratia dicent, neque vero quo te liberent aliqua culpa, quam tu vereris, ne a te suscepta videatur, sed ut te ad istum cursum tenendum, quem a prima aetate suscepisti, cohortentur. Nihil est enim, mihi crede, Laterensis, de te detractum. Detractum dico? si me hercule vere quod accidit interpretari velis, est aliquid etiam de virtute significatum tua. XXII. Noli enim existimare non magnum quendam motum fuisse illius petitionis tuae, de qua ne aliquid iurares destitisti. Denuntiasti homo adulescens, quid de summa re publica sentires: fortius tu quidem quam nonnulli defuncti honoribus, sed apertius quam vel ambitionis vel aetatis tuae ratio postulabat.
53 Quam ob rem in dissentiente populo noli putare nullos fuisse, quorum animos tuus ille fortis animus offenderet: qui te incautum fortasse nunc tuo loco demovere potuerunt,

providentem autem et praecaventem nunquam certe movebunt.

§§ 53–55. *Cicero meets the charge of* coitio, *i.e. combination on the part of two candidates to prevent the election of a third. Laterensis has no proofs of this, and his whole argument is inconsistent.*

An te illa argumenta duxerunt? 'Dubitatis,' inquit, 'quin coitio facta sit, cum tribus plerasque cum Plotio tulerit Plancius?' An una fieri potuerunt, si una tribus non tulissent? 'At nonnullas punctis paene totidem.' Quippe, cum iam facti prope superioribus comitiis declaratique venissent: quamquam ne id quidem suspicionem coitionis habuerit. Neque enim unquam maiores nostri sortitionem constituissent aediliciam, nisi viderent accidere posse, ut competitores pares suffragiis essent. Et ais **54** prioribus comitiis Aniensem a Plotio Pedio, Teretinam a Plancio tibi esse concessam: nunc ab utroque eas avulsas, ne in angustum venirent. Quam convenit nondum cognita populi voluntate hos, quos iam tum coniunctos fuisse dicis, iacturam suarum tribuum, quo vos adiuvaremini, fecisse: eosdem, cum iam essent experti, quid valerent, restrictos et tenaces fuisse? Etenim verebantur, credo, angustias, quasi res in contentionem aut in discrimen aliquod posset venire. Sed tamen tu A. Plotium, virum ornatissimum, in idem crimen vocando indicas eum te adripuisse, a quo non sis rogatus. Nam quod questus es plures te testes habere de Voltinia, quam quot in ea tribu puncta tuleris, indicas aut eos testes te producere, qui, quia nummos acceperint, te praeterierint, aut te ne gratuita quidem eorum suffragia tulisse. XXIII. Illud **55**

vero crimen de nummis, quos in circo Flaminio deprehensos esse dixisti, caluit re recenti, nunc in causa refrixit. Neque enim, qui illi nummi fuerint nec quae tribus nec qui divisor, ostendis. Atque is quidem eductus ad consules, qui tum in crimen vocabatur, se inique a tuis iactatum graviter querebatur. Qui si erat divisor, praesertim eius, quem tu habebas reum, cur abs te reus non est factus? cur non eius damnatione aliquid ad hoc iudicium praeiudicii comparasti?

§§ 55–57. *Laterensis' reasons are not genuine; what he really hopes is to crush Plancius by his superior influence, and avail himself of the fact that Plancius has many detractors. Cicero hopes that the jury will bear this in mind, and sift all evidence thoroughly.*

Sed neque tu haec habes neque eis confidis. Alia te ratio, alia cogitatio ad spem huius opprimendi excitavit. Magnae sunt in te opes, late patet gratia; multi amici, multi cupidi tui, multi fautores laudis tuae; multi huic invident, multis etiam pater, optimus vir, nimium retinens equestris iuris et libertatis videtur: multi etiam communes inimici reorum omnium, qui ita semper testimonium de ambitu dicunt, quasi aut moveant animos iudicum suis testimoniis aut gratum populo Romano sit aut ab eo facilius ob eam causam dignitatem quam volunt conse-
56 quantur. Quibuscum me, iudices, pugnantem more meo pristino non videbitis; non quo mihi fas sit quidquam defugere, quod salus Plancii postulet: sed quia neque necesse est me id persequi voce, quod vos mente videatis, et quod ita de me meriti sunt illi ipsi, quos ego testes video paratos, ut eorum reprehensionem vos vestrae

prudentiae adsumere, meae modestiae remittere debeatis. Illud unum vos magnopere oro atque obsecro, iudices, cum huius, quem defendo, tum communis periculi causa, ne fictis auditionibus, ne disseminato dispersoque sermoni fortunas innocentium subiciendas putetis. Multi amici 57
accusatoris, nonnulli etiam nostri iniqui, multi communes obtrectatores atque omnium invidi multa finxerunt. Nihil est autem tam volucre quam maledictum: nihil facilius emittitur, nihil citius excipitur, latius dissipatur. Neque ego, si fontem maledicti reperietis, ut neglegatis aut dissimuletis, unquam postulabo. Sed si quid sine capite manabit atque erit eius modi, ut non exstet auctor; si, qui audierit, aut ita neglegens vobis esse videbitur, ut unde audierit, oblitus sit, aut ita levem habebit auctorem, ut memoria dignum non putarit, huius illa vox vulgaris, AUDIVI, ne quid innocenti reo noceat, oramus.

§§ 58–71. *Third part of the speech. Cicero's answer to L. Cassius, the junior counsel, who had emphasised four points in his speech*—(1) *that Laterensis deserved to be preferred to Plancius because of his noble birth; to which Cicero replies that the path of office is open to all; men of high birth gain nothing except that they are less envied* (§§ 58–60).

XXIV. Sed venio iam ad L. Cassium, familiarem 58
meum, cuius ex oratione ne illum quidem Iuventium tecum expostulavi, quem ille omni et humanitate et virtute ornatus adulescens primum de plebe aedilem curulem factum esse dixit. In quo, Cassi, si tibi ita respondeam, nescisse id populum Romanum, neque fuisse, qui id nobis narraret, praesertim mortuo Congo, non, ut opinor, admirere, cum ego ipse non abhorrens a studio

antiquitatis me hic id ex te primum audisse confitear.
Et, quoniam tua fuit perelegans et persubtilis oratio,
digna equitis Romani vel studio vel pudore, quoniamque
sic ab his es auditus, ut magnus honos et ingenio et
humanitati tuae tribueretur, respondebo ad ea, quae
dixisti, quae pleraque de ipso me fuerunt: in quibus ipsi
aculei, si quos habuisti in me reprehendendo, tamen mihi
59 non ingrati acciderunt. Quaesisti, utrum mihi putarem,
equitis Romani filio, faciliorem fuisse ad adipiscendos
honores viam an futuram esse filio meo, quia esset familia
consulari. Ego vero quamquam illi omnia malo quam
mihi, tamen honorum aditus nunquam illi faciliores
optavi, quam mihi fuerunt. Quin etiam, ne forte ille sibi
me potius peperisse iam honores quam iter demonstrasse
adipiscendorum putet, haec illi soleo praecipere—quam-
quam ad praecepta aetas non est grandis—quae rex
ille a Iove ortus suis praecepit filiis:

'*Vigilándum est semper: múltae insidiae súnt bonis.*'

Nostis cetera; [nonne?

'*Id quod multi invídeant:*']

quae scripsit gravis et ingeniosus poeta, non ut illos regios pueros, qui iam nusquam erant, sed ut nos et nostros liberos ad laborem et ad laudem excitaret.

60 Quaeris quid potuerit amplius adsequi Plancius, si Cn. Scipionis fuisset filius. Magis aedilis fieri non potuisset, sed hoc praestaret, quod ei minus invideretur. Etenim honorum gradus summis hominibus et infimis sunt pares, gloriae dispares. XXV. Quis nostrum se dicit M'. Curio, quis C. Fabricio, quis C. Duellio parem? quis Atilio

Calatino? quis Cn. et P. Scipionibus? quis Africano, Marcello, Maximo? tamen eosdem sumus honorum gradus quos illi adsecuti. Etenim in virtute multi sunt adscensus, ut is maxime gloria excellat, qui virtute plurimum praestet: honorum populi finis est consulatus: quem magistratum iam octingenti fere consecuti sunt: horum, si diligenter quaeres, vix decimam partem reperies gloria dignam. Sed nemo unquam sic egit, ut tu: 'Cur iste fit consul? quid potuit amplius, si L. Brutus esset, qui civitatem dominatu regio liberavit?' Honore nihil amplius, laude multum. Sic igitur Plancius nihilo minus quaestor est factus et tribunus plebis et aedilis, quam si esset summo loco natus, sed haec pari loco orti sunt innumerabiles alii consecuti.

§ 61. (2) *Cassius has complained that Plancius' military exploits are small.*

Profers triumphos T. Didii et C. Marii, et quaeris, **61**
quid simile in Plancio. Quasi vero isti, quos commemoras, propterea magistratus ceperint, quod triumpharint, et non, quia commissi sunt iis magistratus, in quibus re bene gesta triumpharent, propterea triumpharint. Rogas quae castra viderit; qui et miles in Creta hoc imperatore et tribunus militum in Macedonia fuerit et quaestor tantum ex re militari detraxerit temporis, quantum in me custodiendum transferre maluerit.

§ 62. *Cicero replies to Cassius' objection* (3) *that Plancius could not show any superiority over Laterensis in eloquence or jurisprudence.*

Quaeris, num disertus sit? Immo, id quod secundum **62**
est, ne sibi quidem videtur. Num iuris consultus?

quasi quisquam sit, qui sibi hunc falsum de iure respondisse dicat. Omnes enim istius modi artes in iis reprehenduntur, qui cum professi sunt, satis facere non possunt, non in iis, qui se afuisse ab istis studiis confitentur. Virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. Ut nos in mancipiis parandis quamvis frugi hominem, si pro fabro aut pro tectore emimus, ferre moleste solemus, si eas artes, quas in emendo secuti sumus, forte nesciunt, sin autem emimus, quem vilicum imponeremus, quem pecori praeficeremus, nihil in eo nisi frugalitatem, laborem, vigilantiam esse curamus, sic populus Romanus deligit magistratus quasi rei publicae vilicos; in quibus si qua praeterea est ars, facile patitur; sin minus, virtute eorum et innocentia contentus est. Quotus enim quisque disertus, quotus quisque iuris peritus est, ut eos numeres, qui volunt esse? Quodsi praeterea nemo est honore dignus, quidnam tot optimis et ornatissimis civibus est futurum?

§§ 63–67. *Cicero, in answer to* (4) *Cassius' eulogy of Laterensis' services in the provinces, tells an anecdote from his own experience to show how little people in Rome know or care about provincial affairs. Had Laterensis really wished to conciliate the people he should have done as Cicero himself did—not rely on his provincial reputation, but make friends at Rome.*

63 XXVI. Iubes Plancium de vitiis Laterensis dicere. Nihil potest, nisi eum nimis in se iracundum fuisse. Idem ecfers Laterensem laudibus. Facile patior id te agere multis verbis, quod ad iudicium non pertineat, et id

te accusantem tam diu dicere, quod ego defensor sine
periculo possim confiteri. Atqui non modo confiteor
summa in Laterense ornamenta esse, sed te etiam repre-
hendo, quod ea non enumeres, alia quaedam inania et
levia conquiras. 'Praeneste fecisse ludos.' Quid? alii
quaestores nonne fecerunt? 'Cyrenis liberalem in
publicanos, iustum in socios fuisse.' Quis negat? sed ita
multa Romae geruntur, ut vix ea, quae fiunt in provinciis,
audiantur. Non vereor ne mihi aliquid, iudices, videar 64
adrogare, si de quaestura mea dixero. Quamvis enim illa
floruerit, tamen eum me postea fuisse in maximis imperiis
arbitror, ut non ita multum mihi gloriae sit ex quaesturae
laude repetendum: sed tamen non vereor, ne quis audeat
dicere ullius in Sicilia quaesturam aut clariorem aut
gratiorem fuisse. Vere mehercule hoc dicam: sic tum
existimabam, nihil homines aliud Romae nisi de quaestura
mea loqui. Frumenti in summa caritate maximum
numerum miseram: negotiatoribus comis, mercatoribus
iustus, mancipibus liberalis, sociis abstinens, omnibus
eram visus in omni officio diligentissimus: excogitati
quidam erant a Siculis honores in me inauditi. Itaque 65
hac spe decedebam, ut mihi populum Romanum ultro
omnia delaturum putarem. At ego cum casu diebus iis
itineris faciendi causa decedens e provincia Puteolos forte
venissem, cum plurimi et lautissimi in iis locis solent esse,
concidi paene, iudices, cum ex me quidam quaesisset, quo
die Roma exissem et numquidnam esset novi. Cui cum
respondissem, me e provincia decedere: 'Etiam meher-
cule,' inquit, 'ut opinor, ex Africa.' XXVII. Huic ego iam
stomachans fastidiose: 'Immo ex Sicilia,' inquam. Tum

quidam, quasi qui omnia sciret: 'Quid? tu nescis,' inquit, 'hunc quaestorem Syracusis fuisse?' Quid multa? destiti stomachari et me unum ex iis feci, qui ad aquas venissent.

66 Sed ea res, iudices, haud scio an plus mihi profuerit, quam si mihi tum essent omnes gratulati. Nam, posteaquam sensi populi Romani aures hebetiores, oculos autem esse acres atque acutos, destiti, quid de me audituri essent homines, cogitare: feci, ut postea cotidie praesentem me viderent: habitavi in oculis, pressi forum: neminem a congressu meo neque ianitor meus neque somnus absterruit. Ecquid ego dicam de occupatis meis temporibus, cui fuerit ne otium quidem umquam otiosum? Nam quas tu commemoras, Cassi, legere te solere orationes, cum otiosus sis, has ego scripsi ludis et feriis, ne omnino unquam essem otiosus. Etenim M. Catonis illud, quod in principio scripsit Originum suarum, semper magnificum et praeclarum putavi, '*clarorum virorum atque magnorum non minus otii quam negotii rationem exstare oportere.*' Itaque, si quam habeo laudem, quae quanta sit nescio, parta Romae est, quaesita in foro; meaque privata consilia publici quoque casus comprobaverunt, ut etiam summa res publica mihi
67 domi fuerit gerenda et urbs in urbe servanda. Eadem igitur, Cassi, via munita Laterensi est, idem virtuti cursus ad gloriam: hoc facilior fortasse, quod ego huc a me ortus et per me nixus adscendi, istius egregia virtus adiuvabitur commendatione maiorum.

§§ 67–71. *Cassius had maintained that Cicero had exaggerated Plancius' services to him during his exile, and also exaggerated the dangers of that period. Cicero replies that certainly the services of most well-disposed Romans to him were very great, but in the case of Plancius an excellent opportunity of paying his debt of gratitude had occurred, and he had availed himself of it.*

Sed ut redeam ad Plancium, nunquam ex urbe is afuit nisi sorte, lege, necessitate; non valuit rebus iisdem quibus fortasse nonnulli; at valuit adsiduitate, valuit observandis amicis, valuit liberalitate; fuit in oculis; petivit; ea est usus ratione vitae, qua minima invidia novi homines plurimi sunt eosdem honores consecuti.

XXVIII. Nam quod ais, Cassi, non plus me Plancio 68
debere quam bonis omnibus, quod iis aeque mea salus
cara fuerit, ego me debere bonis omnibus fateor. Sed
etiam ii, quibus ego debeo, boni viri et cives comitiis
aediliciis aliquid se meo nomine Plancio debere dicebant.
Verum fac me multis debere et in iis Plancio. Utrum
igitur me conturbare oportet an ceteris, cum cuiusque
dies venerit, hoc nomen, quod urget, nunc, cum petitur,
dissolvere? Quamquam dissimilis est pecuniae debitio
et gratiae. Nam qui pecuniam dissolvit, statim non
habet id, quod reddidit: qui autem debet, is retinet
alienum; gratiam autem et qui refert habet et qui habet
in eo ipso, quod habet, refert. Neque ego nunc Plancio
desinam debere, si hoc solvero, nec minus ei redderem
voluntate ipsa, si hoc molestiae non accidisset. Quaeris 69
a me, Cassi, quid pro fratre meo, qui mihi est carissimus,
quid pro meis liberis, quibus nihil mihi potest esse
iucundius, amplius, quam quod pro Plancio facio, facere

possim, nec vides istorum ipsorum caritate ad huius salutem defendendam maxime stimulari me atque excitari. Nam neque illis huius salute, a quo meam sciunt esse defensam, quidquam est optatius, et ego ipse nunquam illos adspicio, quin, cum per hunc me iis conservatum esse meminerim, huius meritum in me recorder.

Opimium damnatum esse commemoras, servatorem ipsum rei publicae: Calidium adiungis, cuius lege Q. Metellus in civitatem sit restitutus: reprehendis meas pro Plancio preces, quod neque Opimius suo nomine liberatus sit neque Metelli Calidius. XXIX. De Calidio tibi tantum respondeo, quod ipse vidi: Q. Metellum Pium consulem praetoriis comitiis petente Q. Calidio populo Romano supplicasse, cum quidem non dubitaret et consul et homo nobilissimus patronum esse illum suum et
70 familiae nobilissimae dicere. Quo loco quaero ex te, num id in iudicio Calidii putes, quod ego in Plancii facio, aut Metellum Pium, si Romae esse potuisset, aut patrem eius, si vixisset, non fuisse facturum. Nam Opimii quidem calamitas utinam ex hominum memoria posset evelli! Vulnus illud rei publicae, dedecus huius imperii, turpitudo populi Romani, non iudicium putandum est. Quam enim illi iudices, si iudices et non parricidae patriae nominandi sunt, graviorem potuerunt rei publicae infligere securim, quam cum illum e civitate eiecerunt, qui praetor finitimo, consul domestico bello rem publicam
71 liberarat? At enim nimis ego magnum beneficium Plancii facio et, ut ais, id verbis exaggero; quasi vero me tuo arbitratu et non meo gratum esse oporteat. 'Quod istius tantum meritum?' inquit. 'An quia te non

iugulavit?' Immo vero, quia iugulari passus non est. Quo quidem tu loco, Cassi, etiam purgasti inimicos meos meaeque vitae nullas ab illis insidias fuisse dixisti. Posuit hoc idem Laterensis. Quam ob rem paulo post de isto plura dicam; de te tantum requiro, utrum putes odium in me mediocre inimicorum fuisse — quod fuit ullorum unquam barbarorum tam immane ac tam crudele in hostem?—an fuisse in iis aliquem aut famae metum aut poenae, quorum vidisti toto illo anno ferrum in foro, flammam in delubris, vim in tota urbe versari? Nisi forte existimas eos idcirco vitae meae pepercisse, quod de reditu meo nihil timerent. Et quemquam putas fuisse tam excordem, qui vivis his, stante urbe et curia rediturum me, si viverem, non putaret? Quam ob rem non debes is homo et is civis praedicare vitam meam, quae fidelitate amicorum conservata sit, inimicorum molestia non esse appetitam.

§§ 72–74. *Refutation by Cicero of personal attacks made on his character; he had neither lied nor invented his facts to serve the turn of the moment.*

XXX. Respondebo tibi nunc, Laterensis, minus **72**
fortasse vehementer, quam abs te sum provocatus: sed profecto nec considerate minus nec minus amice. Nam primum fuit illud asperius, me quae de Plancio dicerem mentiri et temporis causa fingere. Scilicet homo sapiens excogitavi, quam ob rem viderer maximis beneficii vinculis obstrictus, cum liber essem et solutus. Quid enim? mihi ad defendendum Plancium parum multae, parum iustae necessitudines erant familiaritatis, vicinitatis, patris

amicitiae? quae si non essent, vererer, credo, ne turpiter facerem, si hoc splendore et hac dignitate hominem defenderem. Fingenda mihi fuit videlicet causa peracuta, ut ei, quem mihi debere oporteret, ego me omnia debere dicerem. At id etiam gregarii milites faciunt inviti, ut coronam dent civicam et se ab aliquo servatos esse fateantur, non quo turpe sit protectum in acie ex hostium manibus eripi — nam id accidere nisi forti viro et pugnanti comminus non potest — sed onus beneficii reformidant, quod permagnum est alieno debere idem

73 quod parenti. Ego, cum ceteri vera beneficia, etiam minora, dissimulent, ne obligati esse videantur, eo me beneficio obstrictum esse ementior, cui ne referri quidem gratia posse videatur? An hoc tu, Laterensis, ignoras? qui cum mihi esses amicissimus, cum vel periculum vitae tuae mecum sociare voluisses, cum me in illo tristi et acerbo luctu atque discessu non lacrimis solum tuis, sed animo, corpore, copiis prosecutus esses, cum meos liberos et uxorem me absente tuis opibus auxilioque defendisses: sic mecum semper egisti, te mihi remittere atque concedere, ut omne studium meum in Cn. Plancii honore consumerem, quod eius in me meritum tibi etiam ipsi

74 gratum esse dicebas. Nihil autem me novi, nihil temporis causa dicere, nonne etiam est illa testis oratio, quae est a me prima habita in senatu? in qua cum perpaucis nominatim egissem gratias, quod omnes enumerari nullo modo possent, scelus autem esset quemquam praeteriri, statuissemque eos solum nominare, qui causae nostrae duces et quasi signiferi fuissent, in his Plancio gratias egi. Recitetur oratio, quae propter rei magni-

tudinem dicta de scripto est: in qua ego homo astutus ei me dedebam, cui nihil magnopere deberem, et huius officii tanti servitutem adstringebam testimonio sempiterno. Nolo cetera, quae a me mandata sunt litteris, recitare: praetermitto, ne aut proferre videar ad tempus aut eo genere uti litterarum, quod meis studiis aptius quam consuetudini iudiciorum esse videatur.

§§ 75–76. *Laterensis had reproached Cicero for his tearful and emotional speech, reminding him that similar efforts on Cispius' behalf had been unsuccessful. Cicero points out the unfairness of the criticism.*

XXXI. Atque etiam clamitas, Laterensis: '*Quo usque ista dicis? Nihil in Cispio profecisti: obsoletae iam sunt preces tuae!*' De Cispio mihi igitur obicies, quem ego de me bene meritum quia te teste cognoram, te eodem auctore defendi? et ei dices '*Quo usque?*' quem negas, quod pro Cispio contenderim, impetrare potuisse? Nam istius verbi '*quo usque*' haec poterat esse invidia: 'Datus est tibi ille, condonatus est ille; non facis finem? ferre non possumus.' Ei quidem, qui, quod pro uno laborarit, id ipsum non obtinuerit, dicere: '*Quo usque?*' irridentis magis est quam reprehendentis; nisi forte ego unus ita me gessi in iudiciis, ita et cum his et inter hos vixi, is in causis patronus, is in re publica civis et sum et semper fui, solus ut a te constituar, qui nihil a iudicibus debeam unquam impetrare. Et mihi lacrimulam Cispiani iudicii obiectas. Sic enim dixisti: '*Vidi ego tuam lacrimulam.*' Vide quam me verbi tui paeniteat. Non modo lacrimulam, sed multas lacrimas

et fletum cum singultu videre potuisti. An ego, qui meorum lacrimis me absente commotus simultates, quas mecum habebat, deposuisset meaeque salutis non modo non oppugnator, ut inimici mei putarant, sed etiam defensor fuisset, huius in periculo non significarem dolorem meum? Tu autem, Laterensis, qui tum lacrimas meas gratas esse dicebas, nunc easdem vis invidiosas videri?

§§ 77–82. *Laterensis had reproached Cicero with being over-thankful to Plancius, whilst others—e.g. Racilius—deserved his thanks more. Cicero replies that it is hard to show his gratitude to all his benefactors—as, for instance, to Laterensis himself. Gratitude is a virtue, and excess of it can be no sin.*

77 XXXII. Negas tribunatum Plancii quidquam attulisse adiumenti dignitati meae atque hoc loco, quod verissime facere potes, L. Racilii, fortissimi et constantissimi viri, divina in me merita commemoras. Cui quidem ego, sicut Cn. Plancio, nunquam dissimulavi me plurimum debere semperque prae me feram; nullas enim sibi ille neque contentiones neque inimicitias neque vitae dimicationes nec pro re publica nec pro me defugiendas putavit. Atque utinam, quam ego sum in illum gratus, tam licuisset per hominum vim et iniuriam populo Romano ei gratiam referre! Sed si non eadem contendit in tribunatu Plancius, existimare debes non huic voluntatem defuisse, sed me, cum tantum iam Plancio deberem,
78 Racilii beneficiis fuisse contentum. An vero putas idcirco minus iudices mea causa esse facturos, quod me esse gratum crimineris? An, cum patres conscripti illo

senatus consulto, quod in monimento Marii factum est, quo mea salus omnibus est gentibus commendata, uni Cn. Plancio gratias egerint—unus enim fuit de magistratibus defensor salutis meae—cui senatus pro me gratias agendas putavit, ei ego a me referendam gratiam non putem? Atque haec cum vides, quo me tandem in te animo putas esse, Laterensis? ullum esse tantum periculum, tantum laborem, tantam contentionem quam ego non modo pro salute tua, sed etiam pro dignitate defugerem? Quo quidem etiam magis sum, non dicam miser,—nam hoc quidem abhorret a virtute verbum—sed certe exercitus, non quia multis debeo—leve enim est onus beneficii [gratia]—sed quia saepe concurrunt [propterea] aliquorum bene de me meritorum inter ipsos contentiones, ut eodem tempore in omnes verear ne vix possim gratus videri.

Sed ego haec meis ponderibus examinabo, non solum 79
quid cuique debeam, sed etiam quid cuiusque intersit et quid a me cuiusque tempus poscat. XXXIII. Agitur studium tuum vel etiam, si vis, existimatio, laus aedilitatis; at Cn. Plancii salus, patria, fortunae. Salvum tu me esse cupisti; hic fecit etiam ut esse possem. Distineor tamen et divellor dolore et in causa dispari offendi te a me doleo; sed, me dius fidius, multo citius meam salutem pro te abiecero quam Cn. Plancii salutem tradidero contentioni tuae. Etenim, iudices, cum omni- 80
bus virtutibus me adfectum esse cupio, tum nihil est quod malim quam me et esse gratum et videri. Haec est enim una virtus non solum maxima, sed etiam mater virtutum omnium reliquarum. Quid est pietas nisi

voluntas grata in parentes? qui sunt boni cives, qui belli, qui domi de patria bene merentes, nisi qui patriae beneficia meminerunt? qui sancti, qui religionum colentes, nisi qui meritam dis immortalibus gratiam iustis honoribus et memori mente persolvunt? Quae potest esse vitae iucunditas sublatis amicitiis? quae porro amicitia
81 potest esse inter ingratos? Quis est nostrum liberaliter educatus, cui non educatores, cui non magistri sui atque doctores, cui non locus ipse mutus ille, ubi alitus aut doctus est, cum grata recordatione in mente versetur? Cuius opes tantae esse possunt aut unquam fuerunt, quae sine multorum amicorum officiis stare possint? quae certe sublata memoria et gratia nulla exstare possunt. Equidem nihil tam proprium hominis existimo quam non modo beneficio, sed etiam benivolentiae significatione adligari; nihil porro tam inhumanum, tam immane, tam ferum quam committere ut beneficio non dicam indignus,
82 sed victus esse videare. Quae cum ita sint, iam succumbam, Laterensis, isti tuo crimini, meque in eo ipso, in quo nihil potest esse nimium, quoniam ita tu vis, nimium esse concedam petamque a vobis, iudices, ut eum beneficio complectamini, quem qui reprehendit, in eo reprehendit, quod gratum praeter modum dicat esse. Neque enim illud ad neglegendam meam gratiam debet valere, quod dixit idem, vos nec nocentes nec litigiosos esse, quo minus me apud vos valere oporteret; quasi vero in amicitia mea non haec praesidia, si quae forte sunt in me, parata semper amicis esse maluerim quam necessaria. Etenim ego de me tantum audeo dicere, amicitiam meam voluptati pluribus quam praesidio

fuisse; meque vehementer vitae meae paeniteret, si in mea familiaritate locus esset nemini nisi litigioso aut nocenti.

§§ 83–85. *Cicero's answers to three minor charges of Laterensis—that* (1) *his epilogues are too tearful;* (2) *he will defend anybody;* (3) *his jokes are bad.*

XXXIV. Sed haec nescio quo modo frequenter in me 83
congessisti saneque in eo creber fuisti, te idcirco in ludos causam conicere noluisse, ne ego mea consuetudine aliquid de tensis misericordiae causa dicerem, quod in aliis aedilibus ante fecissem. Nonnihil egisti hoc loco, nam mihi eripuisti ornamentum orationis meae; deridebor, si mentionem tensarum fecero, cum tu id praedixeris; sine tensis autem quid potero dicere? Hic etiam addidisti me idcirco mea lege exilio ambitum sanxisse, ut miserabiliores epilogos possem dicere. Nonne vobis videtur cum aliquo declamatore, non cum laboris et fori discipulo disputare? 'Rhodi enim' inquit 'ego non fui'; me vult 84
fuisse; 'sed fui' inquit—putabam in Vaccaeis dicturum — 'bis in Bithynia.' Si locus habet reprehensionis ansam aliquam, nescio cur severiorem Nicaeam putes quam Rhodum; si spectanda causa est, et tu in Bithynia summa cum dignitate fuisti et ego Rhodi non minore. Nam quod in eo me reprehendisti, quod nimium multos defenderem, utinam et tu, qui potes, et ceteri, qui defugiunt, vellent me labore hoc levare! Sed fit vestra diligentia, qui causis ponderandis omnes fere repudiatis, ut ad nos pleraeque confluant, qui miseris et laborantibus negare nihil possumus. Admonuisti etiam, quod in Creta 85

fuisses, dictum aliquod in petitionem tuam dici potuisse; me id perdidisse. Uter igitur nostrum est cupidior dicti? egone, qui quod dici potuit non dixerim, an tu, qui etiam ipse in te dixeris? Te aiebas de tuis rebus gestis nullas litteras misisse, quod mihi meae, quas ad aliquem misissem, obfuissent. Quas ego mihi obfuisse non intellego, rei publicae video prodesse potuisse.

§§ 86–90. *Cicero justifies his hurried withdrawal from Rome. He had retired, not because he feared death, but because he did not wish to involve the State in civil war; he wished also to give the senate and people an opportunity of showing their gratitude by recalling him from exile.*

86 XXXV. Sed sunt haec leviora, illa vero gravia atque magna, quod meum discessum, quem saepe defleras, nunc quasi reprehendere et subaccusare voluisti. Dixisti enim non auxilium mihi, sed me auxilio defuisse. Ego vero fateor me, quod viderim mihi auxilium non deesse, idcirco me illi auxilio pepercisse. Qui enim status, quod discrimen, quae fuerit in re publica tempestas illa quis nescit? Tribunicius me terror an consularis furor movit? Decertare mihi ferro magnum fuit cum reliquiis eorum, quos ego florentes atque integros sine ferro viceram? Consules post hominum memoriam taeterrimi atque turpissimi, sicut et illa principia et hi recentes rerum exitus declararunt, quorum alter exercitum perdidit, alter vendidit, emptis provinciis, a senatu, a re publica, a bonis omnibus defecerant; qui exercitu, qui armis, qui opibus plurimum poterant, cum quid sentirent nesciretur, furialis illa vox. nefariis stupris religiosis altaribus inlatis effeminata,

secum et illos et consules facere acerbissime personabat; egentes in locupletes, perditi in bonos, servi in dominos armabantur. At erat mecum senatus et quidem veste 87 mutata, quod pro me uno post hominum memoriam publico consilio susceptum est. Sed recordare, qui tum fuerint consulum nomine hostes, qui soli in hac urbe senatum senatui parere non sierint, edictoque suo non luctum patribus conscriptis, sed indicia luctus ademerint. At erat mecum cunctus equester ordo: quem quidem in contionibus saltator ille Catilinae consul proscriptionis denuntiatione terrebat. At tota Italia convenerat, cui quidem belli intestini et vastitatis metus inferebatur.

XXXVI. Hisce ego auxiliis studentibus atque incitatis uti me, Laterensis, potuisse confiteor, sed erat non iure, non legibus, non disceptando decertandum; nam profecto, praesertim tam bona in causa, nunquam, quo ceteri saepe abundarunt, id mihi ipsi auxilium meum defuisset; armis fuit, armis, inquam, fuit dimicandum; quibus a servis atque a servorum ducibus caedem fieri senatus et bonorum rei publicae exitiosum fuisset. Vinci autem improbos a 88 bonis fateor fuisse praeclarum, si finem tum vincendi viderem. Ubi enim mihi praesto fuissent aut tam fortes consules, quam L. Opimius, quam C. Marius, quam L. Flaccus, quibus ducibus improbos cives res publica vicit armatis, aut, si minus fortes, at tamen tam iusti, quam P. Mucius, qui arma, quae privatus P. Scipio ceperat, ea Ti. Graccho interempto iure optimo sumpta esse defendit? Esset igitur pugnandum cum consulibus. Nihil dico amplius, nisi illud: victoriae nostrae graves adversarios paratos, interitus nullos esse

89 ultores videbam. Hisce ego auxiliis salutis meae si idcirco defui, quia nolui dimicare, fatebor, id quod vis, non mihi auxilium, sed me auxilio defuisse; sin autem, quo maiora studia in me bonorum fuerunt, hoc iis magis consulendum et parcendum putavi, tu id in me reprehendis, quod Q. Metello laudi datum est hodieque est et semper erit maximae gloriae? quem, ut potes ex multis audire, qui tum adfuerunt, constat invitissimis viris bonis cessisse, nec fuisse dubium, quin contentione et armis superior posset esse. Ergo ille cum suum, non senatus factum defenderet, cum perseverantiam sententiae suae, non salutem rei publicae retinuisset, tamen ob illam constantiam, qua illud voluntarium vulnus accepit, iustissimos omnium Metellorum et clarissimos triumphos gloria et laude superavit, quod et illos ipsos improbissimos cives interfici noluit, et ne quis bonus interiret in eadem caede providit; ego tantis periculis propositis cum, si victus essem, interitus rei publicae, si vicissem, infinita dimicatio pararetur, committerem ut idem perditor rei publicae nominarer, qui servator fuissem?

90 XXXVII. Mortem me timuisse dicis.—Ego vero ne immortalitatem quidem contra rem publicam accipiendam putarem, nedum emori cum pernicie rei publicae vellem. Nam qui pro re publica vitam ediderunt—licet me desipere dicatis — nunquam me hercule eos mortem potius quam immortalitatem adsecutos putavi. Ego vero si tum illorum impiorum ferro ac manu concidissem, in perpetuum res publica civile praesidium salutis suae perdidisset. Quin etiam si me vis aliqua morbi aut natura ipsa consumpsisset, tamen auxilia posteritatis essent

imminuta, quod peremptum esset mea morte id exemplum, qualis futurus in me retinendo fuisset senatus populusque Romanus. An si unquam vitae cupiditas in me fuisset, ego mense Decembri mei consulatus omnium parricidarum tela commossem? quae, si viginti quiessem dies, in aliorum vigiliam consulum recidissent. Quam ob rem, si vitae cupiditas contra rem publicam est turpis, certe multo mortis cupiditas mea turpior fuisset cum pernicie civitatis.

§§ 91–94. *Cicero rebuts Laterensis' reproof that he had been inconsistent in his public life and forfeited his liberty of action, by pointing out that a man must* sometimes *regard his own safety after doing his best for the safety of the State. A politician must adapt himself to changing circumstances if necessary for the public good.*

Nam quod te esse in re publica liberum es gloriatus, id 91
ego et fateor et laetor et tibi etiam in hoc gratulor: quod
me autem negasti, in eo neque te neque quemquam
diutius patiar errare. XXXVIII. Nam si quis idcirco
aliquid de libertate mea deminutum putat, quod non ab
omnibus eisdem, a quibus antea solitus sum dissentire,
dissentiam, primum, si bene de me meritis gratum me
praebeo, non desino incurrere in crimen hominis nimium
memoris nimiumque grati; sin autem aliquando sine ullo
rei publicae detrimento respicio etiam salutem cum meam
tum meorum, certe non modo non sum reprehendendus,
sed etiam si ruere vellem, boni viri me, ut id ne facerem,
rogarent. Res vero ipsa publica, si loqui posset, ageret 92
mecum ut, quoniam sibi servissem semper, nunquam
mihi, fructus autem ex sese non, ut oportuisset, laetos et

uberes, sed magna acerbitate permixtos tulissem, ut iam mihi servirem, consulerem meis; se non modo satis habere a me, sed etiam vereri, ne parum mihi pro eo,
93 quantum a me haberet, reddidisset. Quid? si horum ego nihil cogito et idem sum in re publica, qui fui semper, tamenne libertatem requires meam? quam tu ponis in eo, si semper cum iis, quibuscum aliquando contendimus, depugnemus. Quod est longe secus. Stare enim omnes debemus tanquam in orbe aliquo rei publicae, qui quoniam versatur, eam deligere partem, ad quam nos illius utilitas salusque converterit.

XXXIX. Ego autem Cn. Pompeium non dico auctorem, ducem, defensorem salutis meae—nam haec privatim fortasse officiorum memoriam et gratiam quaerunt—sed dico hoc, quod ad salutem rei publicae pertinet: ego eum non tuear, quem omnes in re publica principem esse concedunt? Ego C. Caesaris laudibus desim, quas primum populi Romani, nunc etiam senatus, cui me semper addixi, plurimis atque amplissimis iudiciis videam esse celebratas? Tum hercule me confitear non iudicium aliquod habuisse de utilitate rei publicae, sed homini-
94 bus amicum aut inimicum fuisse. An, cum videam navem secundis ventis cursum tenentem suum, si non eum petat portum, quem ego aliquando probavi, sed alium non minus tutum atque tranquillum, cum tempestate pugnem periculose potius quam illi salute praesertim proposita obtemperem et paream? Ego vero haec didici, haec vidi, haec scripta legi, haec de sapientissimis et clarissimis viris et in hac re publica et in aliis civitatibus monimenta nobis et litterae prodiderunt, non semper

easdem sententias ab eisdem, sed quascunque rei publicae status, inclinatio temporum, ratio concordiae postularet, esse defensas. Quod ego et facio, Laterensis, et semper faciam libertatemque, quam tu in me requiris, quam ego neque dimisi unquam neque dimittam, non in pertinacia, sed in quadam moderatione positam putabo.

§§ 95–100. *Laterensis had charged Cicero with exaggerating the dangers from which Plancius rescued him; Cicero describes them to disprove this statement.*

XL. Nunc venio ad illud extremum, in quo dixisti, 95
dum Plancii in me meritum verbis extollerem, me arcum facere e cloaca lapidemque e sepulcro venerari pro deo: neque enim mihi insidiarum periculum ullum neque mortis fuisse. Cuius ego temporis rationem explicabo brevi neque invitus. Nihil enim est ex meis temporibus, quod minus pervagatum quodque minus aut mea commemoratione celebratum sit aut hominibus auditum atque notum. Ego enim, Laterensis, ex illo incendio legum, iuris, senatus, bonorum omnium cedens, cum mea domus ardore suo deflagrationem urbi atque Italiae toti minaretur, nisi quievissem, Siciliam petivi animo, quae et ipsa erat mihi sicut domus mea coniuncta et obtinebatur a C. Vergilio, quocum me uno vel maxime cum vetustas tum amicitia, cum mei fratris collegia tum rei publicae causa sociarat. Vide nunc caliginem temporum illorum. Cum 96
ipsa paene insula mihi sese obviam ferre vellet, praetor ille, eiusdem tribuni plebis contionibus propter eandem rei publicae causam saepe vexatus, nihil amplius dico nisi me in Siciliam venire noluit. Quid dicam? C. Vergilio,

tali civi et viro, benivolentiam in me, memoriam communium temporum, pietatem, humanitatem, fidem defuisse? Nihil, iudices, est eorum; sed, quam tempestatem nos vobiscum non tulissemus, metuit, ut eam ipse posset opibus suis sustinere. Tum consilio repente mutato iter
97 a Vibone Brundisium terra petere contendi. Nam maritimos cursus praecludebat hiemis magnitudo.

XLI. Cum omnia illa municipia, quae sunt a Vibone Brundisium, in fide mea, iudices, essent, iter mihi tutum multis minitantibus magno cum suo metu praestiterunt. Brundisium veni vel potius ad moenia accessi. Urbem unam mihi amicissimam declinavi, quae se vellet potius exscindi quam e suo complexu ut eriperer facile pateretur. In hortos me M. Laenii Flacci contuli. Cui cum omnis metus, publicatio bonorum, exilium, mors proponeretur, haec perpeti, si acciderent, maluit quam custodiam mei capitis dimittere. Cuius ego et parentis eius, prudentissimi atque optimi senis, et fratris et utriusque filiorum manibus in navi tuta ac fideli collocatus eorumque preces et vota de meo reditu exaudiens Dyrrachium, quod erat
98 in fide mea, petere contendi. Quo cum venissem, cognovi, id quod audieram, refertam esse Graeciam sceleratissimorum hominum ac nefariorum, quorum impium ferrum ignesque pestiferos meus ille consulatus e manibus extorserat; qui antequam de meo adventu audire potuissent, cum etiam tum abessent aliquot dierum viam, in Macedoniam ad Planciumque perrexi. Hic vero simul atque mare me transisse cognovit—audi, audi atque attende Laterensis, ut scias quid ego Plancio debeam confitearque aliquando me quod faciam et grate et pie facere; huic,

quae pro salute mea fecerit si minus profutura sint, obesse certe non oportere:—nam simul ac me Dyrrachium attigisse audivit, statim ad me lictoribus dimissis, insignibus abiectis, veste mutata profectus est. O acerbam mihi, 99
iudices, memoriam temporis illius et loci, cum hic in me incidit, cum complexus est conspersitque lacrimis nec loqui prae maerore potuit! O rem cum auditu crudelem tum visu nefariam! o reliquos omnes dies noctesque eas, quibus iste a me non recedens Thessalonicam me in quaestoriumque perduxit! Hic ego nunc de praetore Macedoniae nihil dicam amplius nisi eum et civem optimum semper et mihi amicum fuisse, sed eadem timuisse quae ceteros; Cn. Plancium fuisse unum, non qui minus timeret, sed, si acciderent ea, quae timerentur, mecum ea subire et perpeti vellet. Qui, cum ad me L. Tubero, 100
meus necessarius, qui fratri meo legatus fuisset, decedens ex Asia venisset easque insidias, quas mihi paratas ab exulibus coniuratis audierat, ad me animo amicissimo detulisset, in Asiam me ire propter eius provinciae mecum et cum meo fratre necessitudinem comparantem non est passus: vi me, vi inquam, Plancius et complexu suo retinuit multosque menses a capite meo non discessit abiecta quaestoria persona comitisque sumpta.

§§ 101–104. *Peroration.—Cicero appeals to the jury and the president of the court on behalf of Plancius, who, he says, deserves their sympathy and aid on account of his many services to citizens, and especially to one citizen—Cicero himself.*

XLII. O excubias tuas, Cn. Planci, miseras! o 101
flebiles vigilias! o noctes acerbas! o custodiam etiam mei

capitis infelicem! siquidem ego tibi vivus non prosum, qui fortasse mortuus profuissem. Memini enim, memini neque unquam obliviscar noctis illius, cum tibi vigilanti, adsidenti, maerenti vana quaedam miser atque inania falsa spe inductus pollicebar: me, si essem in patriam restitutus, praesentem tibi gratias relaturum; sin aut vitam mihi fors ademisset aut vis aliqua maior reditum peremisset, hos, hos—quos enim ego tum alios animo intuebar?—omnia tibi illorum laborum praemia pro me persoluturos. Quid me adspectas? quid mea promissa repetis? quid meam fidem imploras? Nihil tibi ego tum de meis opibus pollicebar, sed de horum erga me benivolentia promittebam; hos pro me lugere, hos gemere, hos decertare pro meo capite vel vitae periculo velle videbam; de horum desiderio, luctu, querelis cotidie aliquid tecum simul audiebam; nunc timeo, ne tibi nihil praeter lacrimas queam reddere, quas tu in meis acerbita-
102 tibus plurimas effudisti. Quid enim possum aliud nisi maerere, nisi flere, nisi te cum mea salute complecti? Salutem tibi iidem dare possunt, qui mihi reddiderunt. Te tamen—exsurge, quaeso—retinebo et complectar, nec me solum deprecatorem fortunarum tuarum, sed comitem sociumque profitebor; atque, ut spero, nemo erit tam crudeli animo tamque inhumano nec tam immemor non dicam meorum in bonos meritorum, sed bonorum in me, qui a me mei servatorem capitis divellat ac distrahat. Non ego meis ornatum beneficiis a vobis deprecor, iudices, sed custodem salutis meae, non opibus contendo, non auctoritate, non gratia, sed precibus, sed lacrimis, sed misericordia; mecumque vos simul hic miserrimus et

optimus obtestatur parens et pro uno filio duo patres deprecamur. Nolite, iudices, per vos, per fortunas, per 103
liberos vestros, inimicis meis, iis praesertim, quos ego pro vestra salute suscepi, dare laetitiam gloriantibus vos iam oblitos mei salutis eius, a quo mea salus conservata est, hostes exstitisse; nolite animum meum debilitare cum luctu tum etiam metu commutatae vestrae voluntatis erga me; sinite me, quod vobis fretus huic saepe promisi, id a vobis ei persolvere. Teque, C. Flave, oro et obtestor, 104
qui meorum consiliorum in consulatu socius, periculorum particeps, rerum quas gessi adiutor fuisti meque non modo salvum semper, sed etiam ornatum florentemque esse voluisti, ut mihi per hos conserves eum, per quem me tibi et his conservatum vides. Plura ne dicam, tuae me etiam lacrimae impediunt vestraeque, iudices, non solum meae, quibus ego magno in metu meo subito inducor in spem, vos eosdem in hoc conservando futuros, qui fueritis in me, quoniam istis vestris lacrimis de illis recordor, quas pro me saepe et multum profudistis.

NOTES

The exordium, §§ 1–4, the object of which is *ut attentos, benevolos, dociles auditores habeamus*, contains the *propositio* and *partitio* in §§ 3 and 4 ; vide Introduction § 31.

1 § 1 l. 2. **in mea salute custodienda** : in the year 58 B.C. Cicero, banished from Rome by Clodius' agency, was welcomed by Plancius, who was then quaestor at Thessalonica ; vide Introd. § 12 ; cf. *ad Att.* 14. 22, *ad Fam.* 14. 1.

fidem : the many meanings of *fides* are best given thus :— I. Subjective—(*a*) active : 'faith,' 'confidence which one holds,' *alicui fidem habere* 'to place confidence in,' *facta fide immortalitatis ;* (*b*) passive : 'confidence which one receives,' 'credit,' 'credibility,' *nullam fidem habere* 'to be considered incredible' ; (*c*) intransitive : 'loyalty,' 'uprightness,' *fides deficere coepit.* II. Objective—(*a*) active : 'a pledge,' 'one's word,' *date dextras fidemque ;* (*b*) passive : 'that which is promised,' 'a promise,' *per fas et fidem decepti, fidem servare ;* (*c*) intransitive : 'certainty,' 'credibility,' *fides historica, data dextra fidem futurae amicitiae sancire.*

bonos, 'well-disposed,' probably alluding to those whom Cicero thought *boni*, the good patriots, the Optimates.

3. **honori** : the office of aedile, for which Plancius had been candidate in 54 B.C. ; Introd. § 2.

4. **officium**, 'kindness,' 'friendly aid.'

5. **meorum temporum** : Cicero often uses *tempus* in the sense of *calamitas* alluding to his exile ; *pro Sest.* 58. 123, *ad Fam.* 6. 6.

suffragari : deponent verbs in *-ari* are particularly common in Cicero, and may be regarded as a peculiarity of his style ; cf. in the exordium *contemplor, deprecor. suffragari* properly = 'to give a vote for,' then simply 'to support.'

6. **cum autem audirem**: an instance of the rhetorical figure *simulatio* (Cornif. 4. 26). Cicero knows (as is evident from c. 15) that most of his audience are opposed to him, but pretends (*simulat*) that it is not so, because at one time some of their number supported his recall from exile, and Plancius' kindness *then* they must have approved of.

meos . . inimicos . . invidos: both adjectives are here used as substantives; generally speaking, the principle is not common in Latin, cf. Nägelsbach *Lat. Stil.* 26; such substantivised adjectives are usually of the second declension, with three main uses—(α) concrete plurals: *vera, boni, recti;* (β) abstract singulars: *honestum, sapiens, rectum;* (γ) neuter plurals, but nearly always in the accusative or nominative. With regard to the imitation of these uses the one criterion is *clearness:* is the sentence absolutely free from all ambiguity? *inimici manifesti sunt, invidi obscuri,* Ernesti.

9. **dolebam si**: cf. Livy 2. 28 *indignatione patrum si invidiam consules . . reicerent;* cf. *miror si,* Gk. εἰ.

10. **infestior**: in a passive sense, 'imperilled'; cf. *pro Rosc. Am.* 30 *filii vita infesta, mare infestum.*

12. **praesidio custodiaque**: for the combination of two almost synonymous expressions cf. in this exordium alone *egregia et singularis, dolebam et acerbe ferebam, praesidio custodiaque, conspectus et consessus, reficit et recreat, intueor et contemplor, non sumo neque adrogo,* and numerous other instances throughout the speech. There seems little doubt that this trick of rhetorical pleonasm was a peculiarity of Cicero's style; the words which are joined are not always exactly synonymous, and as far as combinations are not merely the result of a rhetorical desire to use as many words as possible and yet not be definite, we may say that they are equivalent to a strengthening adverb; thus *reficit et recreat* '*considerably* revives me'; so *relinquere et deserere* 'to *utterly* abandon,' *bellum denuntiatur et indicitur* 'war is *formally* declared'; so *oro atque obsecro, divello ac distraho, fundere et fugare, reicere et aspernari, prospicere et consulere;* vide Heynacher *Lat. Stilistik* p. 30.

2 § 2 l. 1. **unum quemque**, 'each individual.'

2. **hoc in numero** = *horum in numero.*

3. **exstet**, 'stands out prominently.' The Latin language prefers to use a picturesque vivid word where in English we should often use the mere copula 'to be'; similarly the Latins usually prefer a compound verb to a simple one.

3. **summum meritum** } = *restitutio in patriam.*
4. **beneficium** }

6. **salvum videre voluerunt**: several editors wish to cut out *videre*, because *salvum cupere* or *velle* is a favourite phrase of Cicero's; it seems better to keep the MS. reading.

salvum: in so far as they voted for his recall.

7. **saepius etc.**: the fact that Laterensis has accused Plancius fills Cicero with surprise and fear—surprise, that whilst he might have accused so many others he has chosen Plancius, who as Cicero's preserver ought to have been respected by Laterensis, Cicero's friend; fear, because he seems to have accused Plancius hoping that the jury will condemn him because they are enemies of Cicero. After *venit in mentem* we expect *magis*, but the comparative idea is contained in the gerundive; cf. Sall. *Cat.* 48. 5 *tanta vis hominis leniunda quam exagitanda videbatur*, Tac. *Germ.* 6 *cedere loco consilii quam formidinis arbitrantur.* This ellipse of *magis* or *potius* is very common in late Latin. Cf. Reisig-Haase *N.* 402, Hartel *Archiv f. Lat. Lex.* iii. p. 14.

11. **magna ratione**, 'on good grounds,' 'with good reason'; cf. *pro Sext. Rosc.* 40 *sine causis multis et magnis.*

§ 3 l. 13. **consecutum**: so T and E; other MSS. have *consecuturum*, which, owing to its apparent plausibility, many editors adopted, but without sufficient reason.

15. **continentiam**, 'perfect self-control'; cf. Nepos Att. 13. 4, Cic. *de Off.* 2. 76; = Gk. *σωφροσύνη* opposed to *ἀκολασία*, the two intermediate qualities of which are *ἀκράτεια* and *ἐγκράτεια*: thus *σώφρων, ἐγκρατής* opp. *ἀκρατής, ἀκόλαστος*, a distinction which is very frequently made in Greek literature.

16. **praestitero** = *si probavero in eo omnes illas virtutes inesse.*

20. **ad reliquos labores**: this is the *partitio* of the speech, vide Introd. § 2.

reliquos . . in ceteris: *reliqui* is used of the remainder as another part of the whole, *ceteri* the remainder opposed to what has been indicated, the remainder of the same genus, which, regarded separately, make up the whole genus, divided into individuals; cf. *ceteris praestare*, but *omne reliquum tempus.*

21. **adsumo**, 'I take upon myself in addition'; Cic. *ad Fam.* 1. 9. 17, *ad Att.* 11. 19.

II. § 4 l. 25. **quamquam**, 'however,' 'and yet.'

26. **ab hoc**: i.e. the defendant, Plancius. 'And yet, gentle-

men, if any fault has been found in myself without my client being involved in it, it does not seriously disquiet me; for I am not apprehensive that, because instances of gratitude are extremely rare, the fact that I have been called needlessly grateful will be brought up against me.'

The sense-rhythm of the period seems rather laboured; the two ideas which Cicero wished to emphasise, *non timeo* and *criminosum esse possit*, are placed at the beginning and end of the period in order to be thrown into the highest relief. The period may be represented A / a (α) / a (β) a, where A = the main sentence, a = the subordinate sentence next close to it in connection, α = a clause subordinate to a, β a second clause dependent on A; cf. Gildersleeve *Lat. Gr.* § 434.

29. **nimium gratum**: Cicero does not use *nimium* with adjectives very often, but more usually *nimis*, *nimium* with adjectives being rather poetical; cf., however, § 82 *nimium beatus*, *de Fin.* 5. 81 *nimium longum.* In sense *nimium* here = 'extremely,' 'unusually,' 'very,' *praeter modum*, a sense which it usually has in older and colloquial Latin, e.g. Plautus. This is probably one of those colloquialisms which occasionally occur in Cicero's speeches, e.g. *nullus esse*, *amplexo*, *ni* = *si non*, *potest* impers., etc.; cf. Fausset *pro Cluent.* p. xxxvi.

3 5. **tum denique**, 'then and not till then,' = *tum demum*, Gk. τότε δή.

6. **ne non tam . . quam**, 'in order that more by . . than'; the negatives cancel each other.

7. **temporum**: cf. l. 1.

ēssĕ vĭdĕātŭ̄r: for the rhythm of the ending cf. § 2 *fēcīssĕ vĭdĕātŭ̄r*, which is substituted for *fecerit* merely for the sake of euphony. Quintilian describes this ending, *ēssĕ vĭdĕātŭ̆r*, as *iam paene nimis usitatum;* vide Cic. *Or.* 64, *de Or.* 47–49, Ar. *Rhet.* 3. 8, Quint. 9. 4. 45.

§ 5 l. 8. **facili** etc., 'but although the case is so simple and straightforward, yet the line of defence which I see is put forward is an extremely difficult one, and requires very delicate handling.' *facilis* opposed to *perdifficilis*, *explicatus* 'clear' opposed to *lubricus* 'slippery,' 'treacherous'; cf. *de Off.* 1. 19. 65 *locus lubricus;* for a similar metaphor *scopulosus* = *difficilis*, *Div. in Q. C.* 36.

perdifficilis: cf. § 4 *perraro;* so *permulti*, *perpauci*, etc., Cicero passim. The frequency of such words in Latin, especially in Cicero, depends on (1) love of variety, (2) love of rhetorical intensification.

11. **in tanto usu nostro**: in such combinations the pronoun, either possessive or demonstrative, usually follows *tantus;* cf. *Verr.* 5. 101 *tantum hoc crimen, de Or.* 11. 84 *tanta hac in re.*

usu, 'intimacy'; cf. *χρῆσθαί τινι φίλῳ.* For Cicero's friendship with Laterensis vide Introd. § 11.

12. **lex amicitiae**: cf. Sall. *Cat.* 20. 4 *idem velle atque idem nolle ea demum firma amicitia est.*

19. **contentio** = *comparatio*, 'comparison,' sometimes together, *de Off.* 5. 56 *sed si contentio et comparatio fiat;* cf. *pro Mur.* 14 *facilior est mihi aditus ad contentionem dignitatis.*

§ 6 l. 20. **urget**, 'is most pressing with this particular point.' *urgeo* here absolute; cf. § 48 *interrogando urgeat, Or.* 137.

21. **si cedo**, 'if I admit the superiority of, give precedence to, Laterensis' distinctions.'

22. **ornamentis** = *nobilitas, imaginum ius;* § 12 *splendor et vetustas familiae.*

huius = *Plancii.*

23. **dignitatis** = *aedilitatis;* cf. *ad Fam.* 11. 9.

iactura facienda est, 'I must sacrifice,' lit. 'I must throw overboard.' *iactura*=the intentional sacrifice of something valuable in order either to avert injury or gain some greater advantage; *damnum* (opp. *lucrum*)='loss,' especially of worldly possessions; *detrimentum* (opp. *emolumentum*)= harm inflicted on others; cf. Meissner *Latin Phrase-book* (transl.) p. 57.

4 1. **suspicio largitionis** etc., 'I shall have to admit that a suspicion of bribery attaches itself to my client,' a result which Cicero is especially anxious to avoid, for as he says (§ 29) [*ipse*] *mihi in huius periculo reus esse videor*, and *huic tota causa pendet an aedilitatem largitione sit consecutus*, Delph.

4. **existimatio**, 'damage the reputation of . .' *existimatio* has two senses—(1) active: opinion held by others, criticism; (2) passive: reputation, character, usually in a good sense, consequently=good reputation, without the addition of *bona, integra* etc.

si illam accusationis condicionem sequar, 'if I follow the line of conducting the case which Laterensis proposes,' i.e. *comparatio.* For **amicissimi hominis** of Laterensis vide Introd. § 11.

5. **condicionem**: lit. 'terms laid down,' 'agreement,' from *condico;* MSS. frequently spell the word *conditio;* it is possible

that there was also another word *conditio*=*con-da-tio* with somewhat similar meaning, but the evidence is uncertain. Cf. Lindsay *Latin Language* p. 341, *Athenaeum* 22nd Feb. 1896 p. 345.

III. 8. **aut te a Plancio** / **aut a te illum** } *superari*.

Note the chiasmus; in Ciceronian Latin chiasmus must be regarded not as a mere occasional peculiarity, but as a *rule*.

9. **discedam ab**, 'I will leave,' 'pass over'; cf. *cum discesseris ab*='with the exception of.' The rhetorical term for this is *praeteritio*, *παράλειψις*: cf. *mitto, non dico, ut non dicam, ut amittam, quid loquor? quid commemorem?* etc.

10. **contentione** = *comparatione*.

illam: i.e. not a discussion of the general personal merits of the candidates, but what were the points which weighed with the electors for the aedileship.

§ 7 l. 11. **quid?** 'what!' 'why!' a rhetorical formula of transition.

14. **per-raro**: cf. note on § 5.

iis magistratibus etc.: i.e. the tribunate of the plebs, the praetorship, and the consulate.

16. **diligentia**: *in salutando, rogando et supplicando*, Sylvius.

20. **constituere**, 'set up a claim to any personal distinction which Plancius does not also possess.'

§ 8 l. 21. **sed . . nunc**: *revocatio*.

22. **alio loco**: §§ 19 seqq.

24. **nec si**: we should expect *idcirco* or *propterea* inserted, 'nor does it follow that'; cf. *Nat. Deor.* 1. 9. 21 *non enim si mundus nullus erat saecula non erant*, *de Fato* 12. 28 *nec si omne enuntiatum aut verum aut falsum est sequitur illico esse causas immutabiles easque aeternas*.

26. **nam si**, 'for if this were the case, a jury would have a privilege which the patricians in the time of our ancestors failed to maintain—the privilege of revising the results of elections—or rather would have a power much more intolerable.'

quod . . potuerunt is parenthetic, and refers to *ut reprehensores . . essent*, to which also *id* belongs.

patres = the patrician senators, Livy 1. 17. 9, Cic. *Brut.* § 55, *de Rep.* 2. 56. The decrees of the *centuries* had to be confirmed by the *patres*; cf. Niebuhr *Hist. Rom.* ii. p. 10, Mommsen *Hist. Rom.* (E.T.) ii. chap. 1.

28. **vel quod . . ferendum** refers to what follows, i.e. the power not only of rejecting any one who was elected, but also of condemning and ruining him (infra *exitio*).

29. **tum enim gerebat**: i.e. a man who had been elected to a magistracy by vote of the people had to get his election ratified before he actually entered upon his duties. This right of the patrician senators to revise the decrees of the *comitia centuriata* was limited in 339 B.C. by the *Lex Publilia*, which compelled the senate to give this sanction before the measure was voted on (Livy 8. 12. 15 *ante initum suffragium*). In 286 B.C. the *Lex Moenia* applied the same regulations to procedure at elections. The formality of obtaining the consent of the patricians remained till the end of the Republic. Mommsen *Hist. Rom.* 1.⁶ 297.

5 1. **exitio**, 'condemnation,' opposed to *salus*. Cobet's emendation of the manuscript *exilio*, which was probably due to some scribe who knew just enough of Cicero to be aware that allusions to his exile are frequent in his speeches. If the MS. reading is retained, we must suppose the penalty of ten years' exile is referred to which was imposed by the *Lex Tullia de ambitu*, and probably by the *Lex Licinia de sodaliciis*; cf. Wunder. prol. iii. chap. 3 § 4.

3. **ianua**: metaphorical; cf. *pro Lig.* 17 *aditus*, *pro Cael.* 26 *introitus*, *pro Mur.* 33 *eam urbem . . Asiae ianuam*. The meaning is, 'I have had to give up my conception of how the case should be treated and do what you suggest, compare the personal merits of the litigants.' *ianua=propositio*, the decision as to what are to be the main points argued in the case. Introd. § 2.

5. **offensionis tuae**, 'without in the least incurring a suspicion of wounding your feelings by what I say.'

6. **quod in discrimen adducas**, 'because you seem to me to subject your merits to a test of a very ambiguous nature.'

IV. § 9 l. 8. **tu . . tu . . tu**: a good instance of anaphora (ἀναφορά) or *repetitio*, the repetition of the same word at the beginning of several clauses (κῶλα), a *figura verborum* of which Cicero, as also Demosthenes, was very fond; cf. Cic. *Phil.* 12. 12. 29 *credunt improbis, credunt turbulentis, credunt suis*, Demosth. *Mid.* 72, Cic. *Catil. tu ut unquam te corrigas? tu ut ullam fugam meditere? tu ut ullum exilium cogites? polliceor vobis hoc, tantam in nobis consulibus fore diligentiam, tantam in vobis auctoritatem, tantam . . consensionem* etc.

10. **aedilis**: the aediles, properly 'men of the temple' (*aedes*) of Ceres, were instituted at the same time as the plebeian

tribunes (494 B.C.), whose assistants they originally were (ὑπηρέται τῶν δημάρχων); these two aediles were plebeians. In 366 B.C. two more were instituted, to be chosen from among the patricians; they were called *aediles curules;* but in a short time the office was thrown open to plebeians (cf. Livy 7. 1. 6 *prima ut alternis annis ex plebi fierent convenerat; postea promiscuum fuit*). In 44 B.C. Caesar created two more aediles, *aediles plebis Ceriales;* under the Empire the number of aediles remained at six. As long as the aediles were mere assistants to the tribunes their duties were very various; by degrees, however, they became stereotyped. The most important were:—(1) *cura ludorum*, the management of the state games, for which a grant was made by the government; the deficit, which was always large, the aediles paid themselves. They exercised a censorship over all plays, and were responsible for the behaviour of all actors; cf. Plaut. *Amph.* prol., *Trin.* 4. 2. 147, *Cist.* epit., Tac. *Ann.* 1. 77, Suet. *Oct.* 45, Tertull. *in Marcion.* 4. (2) *cura urbis*—(*a*) *cura operum publicorum*, i.e. buildings public and private, and the care of the streets, drains, etc.; (*b*) management of the markets, questions of weights and measures, prices (*annona*), etc.; (*c*) management of funerals, the disposal of the dead and the limiting of unnecessary expense; (*d*) censorship of morals; the aediles controlled *lenones*, *meretrices*, the management of *popinae*, games of chance (*alea*), *balnea;* they had also to take measures against the practice of witchcraft and poisoning. Cf. on the whole subject Mommsen *Staatsr.* 1. 447, and Becker *de Rom. censura scenica.*

fractos . . abiectos . . repudiatos: climax, κλίμαξ, *gradatio.*

12. **me-dius fidius**: lit. 'so help me the god of truth,' 'most certainly.' *medius* = *mĕ-*, a demonstrative particle, cf. *mehercule*, *mecastor* (*ecastor*) etc. + *dĭus*, an older stage of *deus*, *dius* : *divus* (*deivos*, *devas*, inscr.) : : *gnaeus* : *Gnaivod* (inscr.) This *dius Fidius*, 'god of faith,' we are told by Varro (*L. L.* 10) and Festus, is the same as Semo Sancus, a Sabine deity, father of the Sabine hero Sabus, who is identified with Hercules. His temple was near the *Sanqualis porta;* in later times he was regarded as synonymous with Ζεὺς πίστιος. This may probably be thus interpreted:—In the Sabine territory there existed at an early period a local cult of one Semo Sancus, whose chief attribute was the giving of fertility to crops (cf. *semen; Semones*, title of Pales and Flora), but who was regarded also as presiding over oaths and good faith generally. When the earlier Heracles myth spread through Latium, owing to the fact that some of

the attributes of Heracles (or by now Hercules) and Sancus corresponded, the two cults coalesced. Later, when more exact and erudite notions of Greek mythology came to Rome, Sancus, with his attribute Fidius, was regarded as equivalent to Ζεὺς πίστιος, the *-dius* of *medius* having already been connected with Δία (so Festus). For references to this compound deity vide Varro *L. L.* 10, Ov. *Fasti* 6. 213, Plaut. *As.* 1. 1. 8, Livy 8. 20, Prop. 4. (9) 9. 74, Preller *Myth.* p. 634.

16. **esse videatur**: vide § 4. Amongst other frequent endings may be mentioned – ⏑ – | – ⏑ – ⏑ e.g. *gloriam comparavit*, and – ⏑ | – – – | *membra firmantur;* vide Potts *Aids* p. 99.

18. **facit eos**: sc. *magistratus*, 'elevates those to office'; cf. § 14, *pro Mur.* § 50.

ambitus, 'by whom it is most canvassed'; cf. Festus *Ep.* p. 16 *ambitus dici coeptus est a circumeundo*, Varro *L. L.* 5. 28 *qui populum candidatus circumit ambit.*

19. **dilectu**, 'careful choice,' opposed to *impetu*, 'impulse.'

sapientia, 'prudence,' opposed to *temeritas*, 'hastiness.'

22. **discrimen**, 'sense of discrimination.'

25. **culpam accusas**: a rare construction = *populo culpam attribuis* (*Verr.* 5 § 134) or *culpam in populum confers* (*de Sen.* § 14), 'you put the blame on.' *culpa* sometimes, according to Quintilian 11. 1. 81, = 'the thing which is blamed.'

competitor: cf. *petere honores;* Hor. *Od.* 3. 1. 10 *descendat in campum petitor.*

§ 10 l. 25. **ut fueris**, 'granted that you were the more worthy,' the concessive use of the subjunctive strengthened by *ut*. The concessive subjunctive stands in old Latin by itself, and occasionally in Cicero, cf. *de Off.* 3. 13. 54 *vendat aedes vir bonus*, 'supposing a good man sell . .,' *ad Att.* 6. 1. 7 *sit sane.* For *ut* (*uti* = *cuti*, connected with stem *quo-* in *quis* etc.) = originally 'in some way or another' cf. Plaut. *di te perduint* by the side of *ut te di perduint*, where *perduint* expresses a wish. For an instance of *ut* strengthening a concession, as in this passage, cf. Ov. *Pont.* 3. 4 *ut desint vires* = properly 'let us admit that in some way or another strength is wanting . .'

29. **in culpa est**: cf. Cic. *in vitio esse, in officio esse.*

6 1. **eblandita**: passive, although *eblandior* is deponent = 'obtained by flattery and coaxing.'

enucleata = lit. 'freed from the husk or covering,' *nucleus;* then = 'genuine,' 'the result of conviction.'

2. **quid debeant** etc.: the main principle of Roman elections, 'merit' overridden by 'favour'; 'each man who votes considers more frequently what claims the candidate has on him, than what claims he has on the commonwealth,' and to gain this 'favour' was the first business of a candidate; cf. Strachan-Davidson *Cicero* p. 94.

§ 11 l. 6. **iudicavit . . debuit . . fero**: the supposed answers of Laterensis.

8. **condicio**, 'position,' 'privilege,' 'right,' rather a rare use. The fundamental meaning is 'agreement,' *ad Fam.* 6. 3. 2 *armis aut condicione positis aut defetigatione abiectis*, with subdivisions: (1) a proposed agreement, terms, negotiations, *ad Att.* 7. 13. 2 *condicionum tempus amissum est;* (2) claim based on an agreement, task, situation; (3) position which results from the agreement, condition, prerogative; cf. Nägels. § 64.

11. **nostrum est autem, nostrum**: this effective repetition of a word asyndetically was classified by the ancient rhetoricians as a variety of *ἀναδίπλωσις*, *conduplicatio*, *iteratio;* for genuine *ἀναδίπλωσις* cf. Sappho *Frag.* 109 *παρθενία, παρθενία ποῖ με λιποῖσ' ἀποίχῃ*; Hor. *Od.* 2. 141 *eheu fugaces Postume, Postume.* For the variety in the text, where a word or words are introduced to give effect, cf. Dem. *Ol.* 4. 18 *εἰσὶ γὰρ εἰσίν*, Cic. *pro Sulla* 6. 20 *suscepi, Torquate, suscepi et feci libenter;* cf. Volkmann in I. Müller *Handbüch* p. 666.

qui iactemur, '*since* we are tossed,' hence subjunctive. For the metaphor cf. Atticus *ap. Nep.* 6. 1 *civilibus . . fluctibus . . iactarentur*, Cic. *pro Sest.* § 140 *tempestas popularis*, ib. § 46 *tempestas seditionum*, § 101 *periculi tempestas, pro Mil.* § 5 *tempestas et procellae in illis fluctibus contionum;* so *pro Sest.* § 140, *pro Mur.* § 35 *undae comitiorum;* cf. *κλύδων* Plato *Legg.* 6. 6, Dem. *de F. L.* § 136. Compare on the whole subject c. 20 of the *pro Sestio.* In his metaphors from sea, storms, etc., Cicero's favourite words are *tempestas, procella, tranquillum, fluctus ac turbines;* his fondness for metaphors from shipwreck and navigation is noticeable, e.g. *naufragium, gubernare, syrtis, scopuli, iactura* etc.

§ 12 l. 15. **defetigari**: the spelling of T. The *a* of *fatigare* is changed to *e* by the influence of the accent on the preceding syllable, which usually modifies the timbre of the vowel in the succeeding syllable, cf. *pati* but *perpeti, pacisci* but *depecisci;* assimilation too possibly helps the change, cf. Stolz *Lat. Gr.* p. 270.

16. **venio iam**: a formula of *transitio;* cf. elsewhere in

Cicero *veniamus ad, atque ut veniamus ad, nunc exponamus, nunc dicamus.*

17. **qui si** etc. : a good instance of *προσωποποιία*, *sermocinatio* or *conformatio* (*personarum ficta inductio*, *de Or.* 3. 205). Both Cicero and Cornificius (*ad Her.* 4. 53. 66) regard it as one of the choicest of *figurae sententiarum.* For other instances cf. *Catil.* 1. 27 *patria sic aget* etc., *de Fin.* 4. 61, *pro Cael.* § 33, Appius addressing his degenerate descendant Clodia, *Div. in Q. C.* § 9, Plato *Crito* 11 *νόμοι* speaking, Aesch. *in Ct.* 88 § 257, Dem. *de F. L.* § 66, id. *de Chers.* 35 *εἰ λόγον ὑμᾶς ἀπαιτήσειαν οἱ Ἕλληνες . . καὶ ἔροινθ᾽ ὑμᾶς.*

21. **contenderat** : sc. *beneficium*, 'had eagerly sought for my patronage.'

22. **splendore** : vide supra § 6, Introd. § 3.

23. **ambiendum** : impersonal, 'need not enter upon an energetic canvass.'

24. **instituta**, 'customary procedure.'

7 2. **supplicari** : cf. Strachan-Davidson *Cicero* p. 96 'The Roman elector expected to be asked and even entreated for his vote. He was not displeased if he were asked more than once. This required great personal exertions on the part of the candidate and his friends. Quintus urges his brother (in *de petitione consulatus*) never to be out of the way, and never to give any one the opportunity to say that, so far as he was concerned, you might have had what you wished, if he had been asked by you and asked with earnestness and insistence.'

M. Seium : Pliny *H. N.* 15. 1 tells us that this Seius, during his aedileship in 74 B.C., supplied the people with corn at the low price of an *as* a bushel (*modius*) and thus redeemed his character, as before this time he had been in disgrace for some unknown offence, and had been condemned to pay so large a fine that his income was reduced below the *census equester*, i.e. 400,000 sesterces = about £3600, and he consequently was removed from the roll of the knights ; cf. Cic. *de Off.* 2. 17. 58.

5. **M. Pisoni** : Marcus Pupius Piso, quaestor 83 B.C., proconsul in Spain in 69 B.C., consul in 61 ; an orator, teacher of rhetoric, and supporter of the peripatetic philosophy ; acted as tutor or adviser to Cicero in Athens in 79 B.C. Cf. Cic. *Brut.* 240, 310, *de Fin.* 5 § 1, Ascon. on Cic. *in Pis.* § 62, *de Or.* 1. 22. 104, etc.

Q. Catulo = Quintus Lutatius Catulus, the elder, consul in 102 B.C. with Marius, subsequently proscribed by Marius for

his adherence to the Optimaté party, whereupon he committed suicide (87 B.C.) Cicero introduces him in his *de Oratore* (§ 108. 5); he was three times unsuccessful in his candidature for the consulship: in 106 B.C. he was defeated by Serranus, in 105 B.C. by Cn. Manlius, in 104 B.C. by C. Fimbria. Cicero frequently praises him for his upright character, *Verr.* 3 § 209, his knowledge of Greek, *de Or.* 3 § 29, his taste and judgment in matters of style (*subtilitas, elegantia, lenis appellatio*), *pro Mur.* § 36, *Brut.* § 132.

6. **sanctissimo**, 'upright,' 'conscientious.'

7. **fuit enim tamen**: a rare collocation of words, *tamen* usually immediately following an emphatic word; but here *enim* explains *non dico, tamen* shows the antithesis to *stultissimum.*

8. **C. Fimbriam**: C. Flavius Fimbria, consul with C. Marius in 104 B.C., killed in the riots of Cinna; Cicero praises his oratorical powers, *Brut.* 34. 129 *C. Fimbria truculentus, asper, maledicus, . . nec rudis in iure civili* etc.; cf. *de Or.* 2 § 91, *Verr.* 5 § 181, *pro Rab.* § 21, *de Off.* 3. 77.

novum hominem, 'none of whose family had held office,' 'a *parvenu.*'

9. **Cn. Manlium**: i.e. Cnaeus Manlius Maximus, consul 105 B.C., in which year he was utterly defeated at the Arausio (Orange) by the Cimbrians, both his sons falling in the battle; on his return to Rome he was prosecuted by P. Sulpicius, and defended by Antonius the orator, Cic. *de Or.* 2 § 125.

§ **13** l. 11. **desiderarunt**, 'looked in vain for,' 'missed' = Gk. *ποθεῖν.*

12. **Cyrenis**: in 63 B.C. Laterensis was acting as proquaestor in the *provincia Cyrenaica,* cf. infra § 63 *Cyrenis liberalem te in publicanos,* Introd. § 10.

me enim . . videbam, 'for I preferred that I rather than the provincials should have the enjoyment of your services, but the more important that enjoyment was to me, the more it failed me—for I never saw you' = *et qua plus intererat me tua virtute frui eo minus mihi tua virtus adfuit. intererat* impersonal, *aberat* sc. *virtus* = *non aderat, non adiuvare,* 'to be found wanting'; cf. *pro Sulla* § 7 . . *adesse . . in ceteris afuisse.* Instead of *plus* we expect *magis* or *longius,* but we find *abesse multum, plurimum* etc. (*de Fin.* 3 § 6).

15. **sitientem virtutis**: genitive because *sitiens* is passing from a participial use to an adjectival; cf. *Or. pro Quint.* § 62 *negotii gerentes;* cf. the use of *patiens* with *laboris* and *laborem.*

deseruisti ac reliquisti, 'utterly abandoned me'; vide note § 1.

16. **petere tribunatum:** in 59 B.C., in the consulship of Caesar and Bibulus, Laterensis was a candidate for the tribuneship, but withdrew his name rather than take an oath that he would support Caesar's agrarian law, *ad Att.* 2. 18, infra § 52, Introd. § 10.

temporibus . . requirebant: i.e. Laterensis would have been tribune in 58 B.C., and might have averted Cicero's banishment.

19. **tempestate gubernare:** for the metaphor vide § 11; cf. § 86, *pro Sest.* 101.

20. **nolle:** sc. *gubernare.*

23. **eum magistratum** = the plebeian tribuneship.

24. **magnae:** emphatic; the antithesis lies in *ludi.*

25. **ludi:** the *cura ludorum* involved the management by the plebeian aediles of the *ludi plebeii* (*prid. non. Nov.*) 16th, 17th, 18th November, by the curule aediles *ludi Romani* in the middle of September, *ludi Megalenses* (*non. Apr.*), by both bodies *ludi Ceriales, ludi Florales* in April, and the *ludi Liberi.* For the duties of aediles and their election vide supra § 9.

permagni: vide § 5.

26. **quare . . petenti,** 'so either fulfil the hopes you had led me to form about you (i.e. become tribune), or if after all you have a fancy for an office which I consider of much less importance, I will give it you—the aedileship—in spite of the lack of interest you show in your canvass,' but I warn you that if your canvassing is always such you will never get beyond the aedileship to the higher offices.

29. **amplissimos honores:** the aedileship was the first step to these, Cic. *Legg.* 3. 3 § 7 *ollisque* (sc. *aedilibus*) *ad honoris amplioris gradum is primus adscensus esto.*

30. **condiscas censeo:** older than *ut condiscas censeo,* 'I give it as my opinion, I advise, that you learn thoroughly.' Similarly the parataxis (παράταξις) of *cedo, bibam,* 'give it me; let me drink,' is older than the more hypotactical (subordinated) *cedo ut bibam.*

8 VI. § 14 l. 2. **iudicem:** sc. *quaestionis,* the presiding judge in this case, C. Alfius Flavus; vide Introd. § 5.

6. **diribitio,** 'sorting of the voting-tablets.'

7. **renuntiatio,** 'declaration of the poll.'

8. **professi**, 'given in their names' to the presiding magistrate; this *professio* took place, *trium nundinarum tempus*, before the actual election. For this and the two preceding technical terms vide Introd. § 20.

10. **sunt omnes**: note the position of the verb at the beginning of the sentence; this is usual when, as here, the notion conveyed is concessive.

§ 15 l. 13. **sunt**: we expect *si sublata erunt . . nihil accidet*, but the parataxis is more effective; cf. Hor. *merses profundo; pulcrior evenit.*

studia, 'party-spirit.'

18. **factos**=*creatos:* cf. § 9 *facit eos.*

19. **campus**: sc. *Martius*, where the elections were usually held; here used concretely of the electors themselves on the Campus.

undae comitiorum: vide § 11.

22. **impetu studiorum et motu**: these words go together, 'the uproar and excitement of party-strife,' 'Sturm und Drang,' Köpke.

motu . . modum: an intentional play on words, *annominatio* or *παρονομασία*: cf. *nolo esse laud*ator *ne videar esse adul*ator.

§ 16 l. 24. **contentionem**, 'comparison between you.'

25. **tabella**, 'the voting-tablet,' i.e. the privilege of voting by ballot.

aperit, 'lets men's countenances be seen, but conceals their intentions'; for *aperire* 'to make visible' cf. *Nat. Deor.* 2 § 51 *stellae aperiuntur.* For the antithesis of *frons* and *mens* cf. *ad Att.* 4. 15. 7 *utrum fronte an mente dubitatur.*

27. **id . . exprimis**, 'why do you insist that that should be done in court which is not done at the polling-booth?' i.e. that the comparative merits of the candidates should be discussed; for *exprimere*=*extorquere* cf. *Verr.* 3. 112 *cum in ius eduxi expressi ut conficere tabulas se negaret*, Tac. *Ann.* 1. 19.

9 1. **hic quam ille** etc.: the sense is 'to say that Plancius was more worthy than Laterensis is a serious statement to make. "In what way then can we say that it was fairer that he should be elected than I?" to this I can only give this answer, in which the whole point lies and with which the presiding judge is content, "The people chose to elect him." "Why Plancius rather than me?" That I do not know, and if I did know I could not say; or lastly, I might say he was improperly elected (which would be a very serious thing for me to say, for you

might wrongly infer from it that I thought Plancius had been elected through bribery, yet if I *did* say it I ought to be able to say it without damaging my client). What would you gain supposing I made use of this extreme line of defence, which is the same thing as saying that the people did what its caprice prompted, not what it ought to have done? You would gain nothing, for the fact still remains, he has been elected.'

2. **quo modo . . aequius**: this, as well as the question *cur iste* etc., is put into the mouth of Laterensis; with *quo modo . . aequius* supply *hunc creari quam illum*, 'what statement can make his election seem fairer? can justify it?' The general sense of the whole passage is 'we are not allowed to say that Plancius was superior to Laterensis in worth; what then *was* the reason of his election? The reason is—he was elected.'

6. **non recte**, 'improperly,' which may mean 'by bribery,' consequently Cicero says it is a serious word to use; he means 'improperly,' i.e. 'capriciously,' amplified in *quod voluisset* etc.

7. **extrema defensio** goes back to *vel denique . . si dicerem non recte* etc.

VII. § 17 l. 9. **quid? si**, 'what if'; here used to introduce us to the second argument, that the people were justified in choosing Plancius; the first was that the people chose him. The construction is elliptical, sc. *ais, censes*, cf. *pro Mur.* 33 *quid? illam pugnam navalem ad Tenedum mediocri certamine commissum arbitraris? pro Rosc. Am., quid censes hunc ipsum Roscium quo studio esse in rusticis rebus?* So *Verr.* 4. 127, *de Or.* 1. 176.

14. **causam crimenque**, 'the case and the charge,' i.e. 'the charge brought in this case.'

aliquando=*tandem aliquando*, 'at length, for it is high time.'

16. **omnes**: i.e. *omnes qui tecum petierunt equitum Romanorum filii fuerunt.*

nihil dico amplius: i.e. 'I will not discuss any further this question of the comparative merits of Plancius and Laterensis; but there is one point connected with your candidature which I do wonder at . .'

18. **longissime . . afuit**: Plancius was first on the poll, then came Plotius and Pedius, whilst Laterensis was fourth. It was not Plancius who had kept Laterensis out—about his election the people never doubted—but rather Plotius and Pedius.

19. **summa sacra via**: the *via sacra* (*sacra* because used

especially for religious processions and triumphs) follows the valley between the Palatine and Capitoline Hills, and passes along the Forum to where the Colosseum now stands. At the eastern end of the Forum it is spanned by the *Fornix Fabius*, built in 111 B.C. by Q. Fabius Maximus Allobrogicus from the booty gained in his campaign against the Gaulish tribes. *summa sacra via* = the high ground where the road begins to slope down to the Forum; the *Fabius Fornix* = the very opposite end of the Forum. In Constantine's time the arch was still standing; vide Becker *Röm. Alterth.* i. p. 239.

22. **Q. Pedio**: Q. Pedius was Caesar's lieutenant in Gaul in 58 B.C.; in 49 praetor; in 45 was again Caesar's lieutenant in Spain, and took a prominent part in the repulse of the Pompeian party there.

A. Plotius in 51 B.C., after his aedileship, was *praetor urbanus* (*ad Att.* 5. 15. 1) and friend of T. Antistius, quaestor of Macedonia. In 48 B.C. he was propraetor of Pontus and Bithynia.

24. **dimovit**, 'pushed aside'; thus Laterensis was *depulsus*, 'thrust aside'; for *dimovere* literally cf. Hor. *Od.* 3. 5. 51 *dimovit obstantes propinquos.*

§ 18 l. 25. **sed tamen**: after a digression *sed tamen* is frequently used at the beginning of a clause to indicate a return to the argument. There is an ellipse of a concessive sentence, which here = *quamquam contentio vestrum sine contumelia tractari nequit, tamen haec* etc.; cf. *Lael.* § 95, *pro Sest.* 23.

10 2. **cur . . est**: in parenthesis, 'why should I not confess what I am compelled to confess?' i.e. that Plancius was inferior to Laterensis in *nobilitas.*

3. **sed**, 'yet,' in spite of the concession mentioned above.

4. **alias** = when candidate for the aedileship and praetorship.

consulatus: *solus Cicero e sex competitoribus equestri loco natus erat*, Schol. Cicero was also a *novus homo.*

vide ne: a favourite expression of Cicero to convey a warning.

6. **utraque**: *paterna, materna*, Manutius.

8. **id** = to support the aristocracy.

imaginibus. 'The external distinction of the *nobiles* was the *ius imaginum*, a privilege which was apparently established on usage only and not on any positive enactments. These *imagines* were painted masks of wax made to resemble the person they represented (Pliny *H. N.* 35. 2 *expressi cera vultus*), and they were placed in the atrium of the house apparently in

small wooden cases somewhat in the form of temples (ξύλινα ναΐδια, Polyb. 6. 53; *armaria* 'wall-presses,' Guhl and Koner p. 466). The *imagines* were accompanied with the *tituli*, or names of distinction which the deceased had acquired, and the *tituli* were connected in some way by lines or branches so as to exhibit the pedigree (*stemma*) of the family. The *imagines* were usually enclosed in their *armaria*, but on festival days they were crowned with bay (*laureatae*); they also formed part of a solemn funeral procession.'—Smith *Dict. Ant.* p. 796.

11. **etenim**, =*nam*, *namque*, introduces the reason why there are so few who support the nobility. There is an ellipse, 'for to show you that these *are* so few, we will go into the matter.'

caput et fontem: frequent metaphor for 'fountain-head,' a meaning which can also be given by either of the words separately; cf. *de Or.* 1. 42 *ab illo fonte et capite Socrate. caput* often combined with *arx*, Livy 28. 42 *Hannibal ibi caput arcemque belli huius esse;* cf. Livy 26. 7. 3.

VIII. § 19 l. 13. **antiquissimo**: in 381 B.C. Tusculum received the *civitas cum suffragio;* cf. Livy 6. 26. From 323 B.C. to the end of the Republic the Tusculans voted in the Papirian tribe, Livy 8. 37. Tusculum is thus an older *municipium* than Caere (353 B.C.), although the latter is usually regarded as a type of a *municipium.*

15. **Iuventia**: to which Laterensis belonged. Q. M. Juventius Robia was consul with Tiberius Gracchus in 163 B.C. Vell. Pat. 2. 6, 3. 2 *Iuventius Laterensis vir vita ac morte consentaneus.*

16. **praefectura**: an exact classification of the gradations of Roman *civitas* is almost impossible. At the time of the writing of this speech we may roughly make the following division of Roman towns:—I. *coloniae* (*colere*), properly bodies of settlers, either Roman or Latin, sent out to occupy and cultivate land gained in war, and thus keep in check the subject population of Italy, and occupy that part of their territory of which they had been deprived for their resistance to Rome. *coloniae* possessed a regular government modelled on that of Rome; their senators were *decuriones*, their consuls *duumviri;* their laws and sacred ritual were the same as at Rome, and the inhabitants enjoyed all the privileges of *civitas Romana.* II. *municipia: municipes* (*munia, capio*) were properly the inhabitants either of those towns in the immediate vicinity of Rome who were removed to Rome when their homes were captured and destroyed, or of those which concluded a

foedus aequum, an alliance on equal terms with Rome. On removal to Rome they were liable to all the obligations and burdens (*munia*) of ordinary Roman citizens. The *municipia* managed their internal affairs themselves, the administration varying with the different towns, according to the nature of the treaty made with them, which might be *aequum* or *iniquum*, fair or unfair; by degrees, however, their government seems to have been assimilated to that of the *coloniae*. III. *praefecturae:* these received their name from being the headquarters of the *praefecti* or *IVviri iuri dicundo* sent out annually from Rome to administer justice. All towns in Italy which had not the privilege of electing their own magistrates must be classified as *praefecturae;* cf. Festus *praefecturae eae appellabantur in Italia in quibus et ius dicebatur et nundinae agebantur. et erat quaedam earum res publica, neque tamen magistratus suos habebant; in quas his legibus praefecti mittebantur quotannis qui ius dicerent;* cf. Cic. *pro Sest.* 32. On the whole question vide Mommsen *Röm. Staatsrecht* iii. 796–800, Ramsay *Rom. Antiq.* p. 92.

18. **vis**, 'do you think?' 'do you wish to make out?' For a rather similar meaning of *velle* cf. Cic. *de Div.* 2. 9. 24 *vultis omnia evenire fato* 'you hold as a tenet that . .'

19. **Atinates**: Ātīnă (Verg. *Aen.* 7. 630 *Atina potens*), the modern Atina, a small town in the heart of the Sabine hills, not far from Cicero's native place Arpinum. Both Atina and Arpinum were enrolled in the *tribus Terentina.*

alteri: sc. *Atinates.*

21. **huius**, 'whom you see before you'; he was present in court to support Plancius as an *advocatus* or friend, summoned by the accused to bear witness to his character and influence the jury in his favour.

25. **alteros** = *Tusculanos.*

26. **malivolos**: the Scholia Vaticana point out that Lucilius in his satires attacked the Tusculans as being a spiteful people, and mention that M. Cato the censor was considered *malignus* and *invidus;* there is consequently a touch of irony in Cicero's words.

27. **vehementius**, 'never very enthusiastic about the public honours gained by their fellow-townsmen.'

§ 20 l. 28. **hoc**, as is shown by the examples which follow, is equivalent to *ut nostrorum honore laetemur.*

29. **fratre**: Quintus Tullius Cicero studied rhetoric in

Athens at the same time as his elder brother, returning to Rome in 77 B.C. He married and lived unhappily with Pomponia, Atticus' sister; in 65 B.C. he was plebeian aedile, and was praetor designate in the year of his brother's consulship. A friend of Caesar's, he shared his disapproval of the strong measures taken against the Catilinarians; from 61–59 B.C. he was praetor in Asia, returning to Rome in 58, where he did his best to procure his brother's recall. In 57 he was Pompey's legate, being engaged especially in the management of the *res frumentaria toto orbe terrarum* which had been assigned to him. In 54 he accompanied Caesar to Gaul as his *legatus*, and in 53 to Britain. He also acted in the same capacity to his brother in Cilicia. In the civil war between Caesar and Pompey he sided in a half-hearted way with the Optimate party; pardoned by Caesar, he retired to his property in the country, and met his death in the proscription of the year 43 B.C.; cf. Cic. *ad Q. Fratrem* passim, *pro Flacco* § 21, *ad Att.* 4. 3, *pro Sest.* § 76.

agri montesque: an instance of hyperbole, *superlatio* (*ὑπερβολή*). Quintilian gives as instances of this figure of speech Verg. *Aen.* 1. 166 *geminique minantur in caelum scopuli*, *Aen.* 7. 803 *illa vel intactae segetis per summa volaret gramina nec teneras cursu laesisset aristas*, adding *tum est hyperbole virtus cum res ipsa de qua loquendum est naturalem modum excessit;* cf. Quint. 8. 68, Cornif. 4. 44.

11 1. **M. Catone**: M. Porcius Cato, born at Tusculum 234 B.C., left his unfertile Sabine property and came to Rome, determined, although a mere boy and absolutely unknown, to win himself a position as a politician (*Verr.* 5. 180, *de Rep.* 1. 1. 1). In 217 B.C. he served in the army as a *miles gregarius* against Hannibal, and probably was present before the walls of Capua under Q. Fabius. In 209 B.C. he served under the same general at the siege of Tarentum as *proquaestor;* in 204 B.C. he brought the poet Ennius to Rome. After a period of varied foreign military service he returned to Rome and devoted himself to politics and oratory, and it is to the year of his censorship, 184 B.C., that his *acerbae orationes* must be assigned (Livy 39. 42); from this date to the time of his death in 149 B.C. at the age of 85 he took a prominent part in the Roman political world, distinguishing himself by his uncompromising opposition to the Optimates. His services to Latin literature were considerable, though his style of writing was rough and unconventional. His chief works were his *Origines*, a history of Rome in seven books from its foundation to 49 B.C., and *de re*

rustica, a collection of maxims on household management and agriculture. For his character vide Livy 39. 40.

2. **T. Coruncanius**, in the year 280 B.C., when Pyrrhus came to Heraclea, was consul with P. Valerius Laevinus, and triumphed the same year *de Volsiniensibus et Vulcientibus*. He is known chiefly as a jurist and archaeologist. Whether he really came from Tusculum is uncertain; Tac. *Ann.* 11. 24 says he came from Camerium. Cicero always speaks of him with admiration, *de Dom.* § 139, *de Nat. Deor.* 1. 115. 165, *Brut.* 55, *de Legg.* 2. 52, *de Or.* 3. 56, etc.

Fulviis: the most famous families of this plebeian *gens* were the Flacci, Nobiliores, Centumali, Curvi.

3. **gloriari**: cf. § 19 *laetari;* for the frequency of verbs in *-ari* in Cicero cf. note on § 1.

5. **aliquid**: in expression of modesty, cf. § 24.

C. Marius, born at Arpinum, after working as a farm-labourer joined the army whilst quite young; was present at Numantia 134 B.C., where he was complimented on his bravery by Scipio Africanus. In 109 B.C. was *legatus* of Metellus in Africa and fought with distinction against Jugurtha. Elected consul on his return to Rome, again in 104, and from 103–100 B.C.; annihilated the Teutones at Aquae Sextiae 102 B.C., and the Cimbri at Vercellae 101 B.C. A democrat at first, he joined Saturninus in his attempt at reform, but soon turned against him and became one of the Optimate party. The growing influence of Sulla deprived him of his popularity, and in 88 B.C., when Sulla marched on Rome, he was forced to flee to Africa. In 87 B.C. he returned to Rome with Cinna, and died in 86 B.C., just after he had entered upon his seventh consulship; cf. *pro Pl.* §§ 26, 51, 61, 88, 78, *pro Sest.* §§ 50, 116, and Juv. 8. 245.

§ 21 l. 9. **splendidissimi homines**: but as Cicero says in § 18 there are *parum multi qui nobilitatem ament. splendidus* is the regular epithet of the Roman knights, cf. § 12 *equestrem splendorem;* cf. Landgraf on *pro Rosc. Am.* § 20 p. 169 or 371.

10. **huius**: sc. *Plancii.*

11. **fortissimorum**, 'upright'; *fortis* is often joined with *impiger, acer, animosus, strenuus.*

13. **in squalore**: the relatives, friends, and clients of the accused usually attended in court dressed in mourning apparel to excite the sympathy of the jury, cf. *pro Cluent.* § 18, *pro Sest.* 32, *ad Att.* 3. 10. 2. For the alliterative combination *squalor*

et sordes cf. *pro Mur.* 86 *nunc idem squalore et sordibus confectus vester est supplex.*

14. **tribuni aerarii**: originally tribal officers whose duty it was to collect the *tributum* from the tribes, and to distribute pay to the soldiers, or largess (*aes*) to the plebs generally—hence their name *aerarii.* By the *lex Aurelia* 70 B.C. they became an organised body, their *census* being a property of more than 300,000 sesterces but less than 400,000, and shared the *iudicia* with the senators and knights. Caesar's *lex Julia*, however, of 46 abolished this privilege. The *tribuni aerarii* are usually mentioned as the more respectable and well-to-do members of the plebs as distinct from the rabble, and are often classed with the *equites;* cf. *Catil.* 4. 7, *pro Rab.* c. 9, *pro Pl.* c. 2, Pauly *Real-Encycl.* vi. 2, Ramsay *Manual* p. 239.

a iudicio dimisimus: in two senses—(α) 'I excuse from their attendance in court, for they supported him *en masse* at his election'; (β) 'I do not take any account of, I do not mention in dealing with a legal case.'

17. **tribum Teretinam**: this was the tribe which Laterensis said had been bribed by Plancius; the men of Atina voted in it, and though they were not able to carry the vote of the entire tribe for Plancius, yet their support was sufficient to increase his influence and thus indirectly affect the voting of the tribe.

dignitatem etc., 'for though they did not carry (*praebuerunt*) the vote of the Teretine tribe, yet they gained for Plancius importance and the attention of all eyes, a sterling, compact, indefatigable body of supporters in the court.'

18. **solidam**: cf. Hor. *Od.* 3. 3. 1 *mente quatit solida,* almost synonymous with *integer*, *certus*, *constans.*

19. **nostra municipia**: i.e. Atina, Arpinum, Sora, Casinum, Venafrum and Allifae. *nostra* makes an antithesis between the unanimity of the *municipia* in the vicinity of Atina and the lethargic support of Tusculum and the neighbouring towns.

IX. § 22 l. 21. **in nobis**, 'in my own case.'

22. **finitimi**: i.e. we people of Arpinum.

23. **veterem**: Landgraf in a note on *pro Rosc. Am.* § 17 shows that Cicero in his earlier speeches draws a clear distinction between *antiquus* and *vetus* (usual distinction *ant.* = 'past,' opp. *novus; vetus* 'old, but still existing,' opp. *recens*), using *antiquus* only in a good sense, *vetus* in a bad sense; but this distinction is not observed in his later speeches.

officii rationem: a common combination in Cicero, e.g.

Verr. 2. 5 § 177, *pro Quinct.* § 59, *pro Cluent.* § 117. It may be explained (α) as a metaphorical use of *ratio* in the meaning 'account,' cf. *rationem reddere*, or (β) a mere periphrasis; it is certain that Cicero often uses *ratio* with a genitive of a noun in very much the same way as the noun by itself, possibly with the result of making the idea more abstract, thus *consilii ratio* = *consilium* etc.

24. **non infuscata** etc., 'not tarnished by spite, always free from insincerity, not counterfeit, without a touch of deceit, not skilled in the tricks of hypocrisy—as men so often are in the vicinity of the city or in the city itself.'

25. **fucosus**: properly 'painted,' 'dyed,' Ital. *imbellettato*, cf. *pro Rab. Post.* § 40 *merces fallaces et fucosae*.

26. **urbano**: *vult ostendere Arpinates remotiores Roma non tam callidos esse et fraudulentos quam suburbanos et urbanos qui solent esse astutissimi* Delph.

28. **celeberrimus**, 'most populous.'

29. **nostra . . aspera regio**: i.e. Arpinum, situate near the junction of the rivers Liris and Fibrenus, on a spur of the Volscian hills. Cicero *ad Att.* 2. 11 § 2 called it like Ithaca τρηχεῖ' ἀλλ' ἀγαθὴ κουροτρόφος *Od.* 9. 27.

30. **honore ornari** / **augeri dignitate** } chiasmus. The combination of *ornare* and *augere* is common in Cicero, e.g. *ad Fam.* 7. 17. 2 *te augendum atque ornandum semper putavi*.

12 2. **publice** etc., 'are present to give evidence as public representatives of their townships.' **legat. test.**, hendiadys, 'with embassies and evidence,' i.e. 'to give evidence as an embassy.' It was a common custom for *municipia* to send representatives to bear witness for or against a *reus* of whose procedure they had exact knowledge; cf. *Verr.* 1. 3 § 7, 2. 2 § 114, *pro Cael.* § 5.

cum legatione testimonio: *et* is absent from the MSS., probably a case of lipography.

3. **nunc** during the suit, **tum** at the poll.

§ **23** l. 7. **genere**: Cicero has just been comparing the difference of the *genus* of the *municipia* to which the litigants belong, i.e. the different *build*, different *type*, especially as shown in their appreciation of those of their citizens who have been a credit to them; *genus* is here consequently 'character,' 'condition,' 'nature.'

8. **nisi forte**: ironical, so *nisi vero*; cf. *pro Mur.* § 13, *pro Sext. Rosc.* § 82.

Labicana: Lăbīcī, or Labicum (Verg. *Aen.* 7. 796 *picti scuta Labici*), a small township about 15 miles south-east of Rome, between Tusculum and Praeneste.

Gabina: *Gabii*, between Rome and Praeneste, 12 miles due east of the capital. Originally one of the most important towns of the Latin league, it was now decayed and deserted; cf. Hor. *Ep.* 1. 11. 7 *Gabiis desertior*, Juv. 3. 192.

9. **Bovillae**: about 10 miles south of Rome on the Via Appia; like Gabii, a populous and important member of the Latin league until it was destroyed by Coriolanus. It is best known as having been the scene of Clodius' murder by Milo; cf. Cic. *pro Mil.* passim.

10. **Latinis**: sc. *feriis*, cf. *comitiis*, *gladiatoribus*, *ludis*, *Saturnalibus* etc. The Feriae Latinae (or Latinae simply, cf. Cic. *ad Att.* 1. 3, Livy 5. 17) was an old festival of the Latin league celebrated on the Mons Albanus, because Alba originally was the leading state of the league (*pro Mil.* § 85). The festival as organised by Tarquinius Superbus consisted in the sacrifice of white oxen (*sacrificium Latinarum*) to Jupiter Latiaris, and the representative of each Latin town was given a portion of the victim to take to his city (Varro *L. L.* 6. 25 *Latinis populis . . ex Albano monte ex sacris carnem petere ius cum Romanis*). Even after the Romans had complete hegemony over Latium the festival was still celebrated. The date of the *Feriae Latinae* was not fixed by law; it was one of the first duties of the consuls before leaving for their provinces to decide when they should take place. Since the festival lasted four days, during which no public business could be transacted, this power of the consuls of deciding when the *Feriae* should take place became a powerful political engine in repressing any unconstitutional movement; cf. Cic. *Q. Fr.* 11. 6, Livy 21. 63, Marquardt *R. H.* iv. 441.

12. **publicanum**: at Rome those taxes and imposts which varied with the condition of trade, e.g. the *portoria*, harbour-dues, were sold by the State to the *publicani* or tax-farmers for a lump sum of money, the State being represented in the contract by the censors. The *publicani* then collected the taxes, *vectigalia*, themselves, whereas in the case of *tributum* and the *stipendium* of the provinces the State was responsible for its collection. The *publicani* became a very important body in Rome, and were often very useful to the State in the matter of public loans, etc.,

and filled very much the position of the large bankers of to-day. They had all the privileges of the *ordo equester*, as by the law of C. Gracchus any one with an income of more than 400,000 sesterces became an *eques*. Senators might not belong to a *societas* of tax-farmers, as it was not thought advisable that those who had control of the taxes should have a pecuniary interest in them. The *societates* or joint-stock companies were carefully-organised and efficient bodies with an elaborate system of managers and subordinates to facilitate the collection of the taxes of the larger provinces; cf. Livy 5. 7, Cic. *pro leg. Man.* § 17 etc. For the prominent position held by Plancius' father in these *societates* vide Introd. § 13.

in honore, 'to a candidate for office,' sc. *petendo*.

12–14. **adiumentum . . ornamentum . . firmamentum**: the termination *-mentum* is very frequent in Cicero, especially in his speeches, probably owing to the fact that it produces words which by their length and spondaic scansion produce a good oratorical effect; other similar words, *emolumentum*, *detrimentum*, *impedimentum*, *laxamentum* etc.

15. **continetur**, 'is made up of,' 'is comprised in.' In this sense used only in the passive in Augustan prose, *continere aliquam rem* not being found.

§ 24 l. 16. **neque iniuria**, 'and rightly too' did they show *studium singulare*.

17. **vel quod . .**: Cicero gives the various reasons which induced the people to make Plancius aedile.

princeps publicanorum, 'the ruling spirit among the tax-farmers'; he was managing director of several of the *societates*, cf. § 32, Introd. § 13.

18. **sociis**, 'the shareholders' in the *societates* or joint-stock companies.

20. **huius**: i.e. Plancius.

21. **illi**: i.e. the Roman knights.

X. 24. **aliquid**: an expression of modesty, vide § 20.

dico: Wunder needlessly alters this to *dicam* on the ground that Cicero more commonly uses the future.

13 1. **non enim**: Cicero may say it, for he had used no illegal methods in supporting Plancius' candidature.

2. **commemoratione beneficii**, 'by mentioning the kindness I received at his hands' during my exile.

4. **appellavi**, 'I canvassed the people tribe by tribe,' vide Introd. § 22.

5. **ultro**: added to explain *aliquid attulimus;* his exertions were great, but he could do but little to affect the poll as every one had already of his own accord given pledges of his support. *ultro* = properly 'beyond,' 'further,' then in the metaphorical sense of 'beyond what is demanded,' 'unasked,' 'spontaneously.' It is probably an ablatival form, **ultrod*, cf. *ultra* = **ultrad;* cf. *uls* 'beyond,' *ōlim*, *olle*, Verg., *oloes* inscrr., the stem **ol-* having the meaning 'yonder,' 'there.'

§ 25 l. 6. **vir amplissimus** = Cn. Pompeius, of whom Cicero often speaks in his speeches in flattering terms, although we gather from his letters that he considered Pompey had been guilty of a great breach of faith in not doing more to prevent his exile.

8. **de aliquo**: in 63 B.C. a certain Titus Ampius Balbus proposed a law that Pompey on his return to Rome after his Asiatic successes should be allowed to wear a crown of bay leaves (*corona laurea*) and all the decorations of a triumphant general at the Ludi Circenses; in return for this Pompey supported his candidature for the aedileship, but unsuccessfully, cf. Vell. Pat. 11. 40.

11. **rogatio ipsa**: Cicero modestly attributes any assistance he was able to give Plancius in his canvass not to his own personal influence and the authority of his name, but to the fact that appeals for support are always efficacious when, as in this case, they are based on the claims of close friendship (*officio necessitudinis coniuncta*). **rogatio**: *significatur petitio quae facta sit pro candidato* Schol. Ambros.

13. **quia . . esset, quia . . essem**: Cicero puts the motives of his action as he thinks they will be given by others; hence the subjunctive.

16. **potentia**: cf. *potentia* at the beginning of the chapter, = the power obtained by personal influence, position, wealth etc., power of a superior in rank over an inferior.

causa rogationis: cf. ten lines above, *causa rogandi.* Cicero recurs at the end of his argument to these words as a sort of refrain, in order to impress on the jury the importance of his point of view; cf. the repetition of *potentia* in the same line.

18. **huius in me**: i.e. 'of Plancius towards me.'

§ 26 l. 20. **ultro offerebant**: i.e. they wished to support Plancius because of his kindness to Cicero.

nomen absentis: cf. Livy 36. 7 *vim tuam praesentis exercitusque tui experiri.*

22. **an . . miraris**: the whole sentence from *an Minturnenses* to *fuisse miraris* is worth analysing as a well-balanced double period. In the language of rhetoric it is an *argumentatio a pari*, *ἐξ ἴσων*, cf. Quint. 5. 11, a comparison of two equals: 'If the people of Minturnae are immortalised for their kindness to Marius, it is surely natural that Plancius should derive some distinction for his kindness to me.' The *argumentatio* is contained in two periods, *an . . versantur*, and *Plancio . . miraris.* The second is peculiarly compact and precise; in it note (α) *Plancio* at the beginning, Laterensis in *miraris* at the end; (β) *fidem* corresponding to *receperit, misericordiam* to *iuverit, virtutem* to *custodierit* and *conservarit.*

Minturnenses: in 88 B.C. Sulla, with whom Marius had quarrelled, obtained the chief command in the war against Mithradates, and marched on Rome to repress Marius and his supporters, who wished to deprive him of his command. Marius escaped from Rome by sea, but was compelled by stress of weather to put in at the mouth of the Liris (Garigliano). After hiding in a marsh for a time he was discovered and handed over to the magistrates of Minturnae, who at first imprisoned him, but afterwards treated him with great kindness and put him on a vessel on which he succeeded in reaching Africa. His flight is admirably described in Plutarch *Mar.* 36–39; also cf. Valer. Max. 2. 10. 6 and 8. 2. 3, Cic. *pro Sest.* § 50, *de Fin.* 2 § 105, *in Pis.* § 43, Juv. 10. 276 *exilium et carcer Minturnarumque paludes* etc.

23. **impiis manibus**: it is said that an executioner (*carnifex*) was sent to bring him back to Rome.

27. **servarat**: i.e. from the Teutones at Aquae Sextiae in 102 B.C. and the Cimbri at Vercellae in 101 B.C.

ominibus, 'good wishes'; cf. *in Pis.* § 31 *egressum ominibus prosequebantur.*

29. **ratione**: a full account of the motives of Cicero's retirement from Rome is given in his speech *post reditum* §§ 32–36; cf. infra §§ 35, 37. Cicero always wishes to represent his retreat as entirely voluntary and made on patriotic grounds, to save the State from being embroiled in faction for his sake; vide especially *pro Sest.* cc. 17–19.

14 1. **honori** seems to combine the two senses of 'distinction' and 'the obtaining of office.'

XI. § 27 l. 3. **vitia**, 'failings,' 'short-comings'; *vitium* is properly a flaw, a fault in the composition of anything.

vitia . . mirere, 'any failings certainly in Plancius' character have been successfully screened, defended, by the facts I have just mentioned; (keep this in mind) so that you may cease to be surprised that with such a career as I am going to talk of he had so much to support him in his candidature.' A troublesome sentence; two prominent ideas—*vitia*, which Cicero tacitly admits; *in ea vita de qua dicam*, which is really the most emphatic part of the sentence. Cicero is refuting some definite statement of Laterensis, who had probably said (α) Plancius has *vitia*, (β) it is surprising that Plancius' life generally should not be in his favour. To (α) Cicero replies, Plancius' short-comings are compensated by *res eae*, i.e. his kindness; to (β) that when Laterensis has heard the true account (*ea* is emphatic) he will cease to be surprised.

4. **potuerunt** is a pure indicative; all other editors, however, take it as = a potential; cf. *longum est* 'it would be' etc.

ne . . mirere: there is an ellipse before this, 'I say this,' 'I ask you to notice this'; cf. Cic. *de Fin.* 2 § 20 *duae sunt enim res quoque, ne tu verba solum putes*, i.e. *res ideo dico nominatim ne . .*, *Cato Ma.* § 55 *senectus est natura loquacior ne ab omnibus eam vitiis videar vindicare.*

6. **A. Torquato**: in the year of Sulla's death, 78 B.C., he was in command in Africa as propraetor.

9. **contubernii necessitudo**, 'the intimate friendship arising from sharing the same quarters.' *contubernium* from *con* and *taberna;* the vowel *a* in *tab* is weakened by the accent on the preceding syllable. In the vowel-weakening of post-tonic *a* there are three stages, *a* → *u* → *i* (or *ü*); in the case of *contubernium* language never fulfilled its proper tendency, the older form with *u* being retained by 'recomposition,' i.e. a sort of scientific archaising which began about 20 B.C. owing to the introduction of grammatical studies from Greece. We expect *contibernium*, cf. *incipio;* similar old forms are *nuncupo* (**nomicap*-[*io*]), *occupo;* cf. Stolz in I. Müller *Handbüch* p. 270.

11. **patruelis**: T. Manlius Torquatus, one of the witnesses in the case; an orator of some ability, trained in the same school as Cicero, that of Molo at Rhodes, *Brut.* 70 § 245.

15. **in Creta**: Saturninus and his relative Plancius served in Crete from 69 to 67 B.C. under Q. Metellus.

16. **contubernalis**: vide supra. *contubernales* or *comites* was the term applied to young men of good birth who volun-

tarily attached themselves to the staff (*cohors praetoria*) of some distinguished general in order to acquire military experience. The custom was transferred to civil life, and it was customary for young men to join the suite of a prominent politician to learn politics from him, and sometimes act as his private secretary; thus L. Gellius was *contubernalis* of C. Carbo when consul; cf. *Brut.* § 105, *pro Cael.* § 73.

19. **C. Sacerdos** in 68 B.C. became Q. Metellus' *legatus* in Crete. In 74 B.C. he had preceded Verres as praetor of Sicily.

20. **L. Flaccus** was also Metellus' *legatus* (*pro Flacc.* c. 3). He was defended by Cicero in 59 B.C. on a charge *de repetundis*, extortion in his province. In the year of Cicero's consulship, 63 B.C., he was praetor, and was instrumental in the arrest of the ambassadors of the Allobroges.

21. **adsiduitate**: cf. *adsident* below; *adsidere* is properly to sit beside, then to be present in court as *advocatus*, a friend who is present to support the accused and influence the jury in his favour.

§ **28** l. 22. **in Macedonia**: where Plancius was quaestor under the Lucius Apuleius mentioned below; cf. Introd. § 13.

30. **in parentum loco**: cf. *Div. in Caec.* § 61 *accepimus praetorem quaestori parentis loco esse oportere.* The quaestorship being the first step in a political career, it was considered important that the young quaestors should be directed by the praetors of the province in which they exercised their office of paymaster.

15 2. **isti**: the tribunes of the year 57 B.C., eight of whom had been in favour of Cicero's recall, the remaining two opposing it. We must suppose that Laterensis had praised the activity of the tribunes of 57 B.C. in order to depreciate what Plancius had done as tribune in the following year, since *vehemens* can apply only to Milo and P. Sextius, not to the other tribunes.

XII. § **29** l. 5. **scaena**: *scaena* is the correct spelling, although the word = Gk. *σκηνή*. The Romans, feeling that the Greek *η* was a more open sound than the ordinary Latin *e*, made use of the *ae*, which was a feature of country dialects; cf. the 'rustic' *o* for more refined Latin *au* in *plostrum—plaustrum*, *Plotus—Plautus*, *loreola* (Cic. *Epist.*)—*laureola*, *Clodius—Claudius.* Similarly the Celtic *reda* became in Latin *raeda*, cf. Stolz *Lat. Gram.* p. 271. **in scaena**, 'before all men's eyes'; for the metaphor cf. Cic. *de Or.* 3 § 162 *quamvis sphaeram in scaenam ut dicitur attulerit Ennius*, the *ut dicitur* showing it to be a proverbial expression. Cf. Hor. *Sat.* 2. 1. 71 *a volgo et*

scaena, Cic. *Verr.* 5 § 35 *quaesturam quasi in aliquo orbis terrarum theatro versari aestimabam.*

6. **ut**, 'how'; almost the oldest use of *ut*=*uti*=**cuti*, connected with stem *quo-* of *quis*, *qui* etc., 'in some way,' or 'in what way'; cf. development of Greek ὅπως from modal to final.

9. **secus est parens**, 'a parent is not much different from a god.'

13. **cum videtis**: the use of *cum* with the indicative to express contemporaneous action, where *cum* may be represented by *eo quod* 'in that . . ,' is usually called the locative use, because, for instance, *gratulor tibi quum vales* is parallel exactly to *gratulor tibi in hac re*. From this oldest locative use of *cum* (which *always* is joined to an indicative) are derived all other uses. It is noticeable that *quum* or *cum* is itself a locative from stem *quo-* in *quis* etc. and = * *quosme* (cf. Umbrian *pusme*), and corresponds to *tum* = * *tosme* from the demonstrative stem *to-*; vide note on Plauti *Pseudolus* l. 477, Camb. Univ. Press.

15. **tot viris talibus**: asyndeton=*tot viris ac talibus.*

veste mutata: *vestem mutare* is the ordinary phrase for 'to put on mourning'; *sordes, sordidatus, squalere, in squalore esse* are similarly used; cf. *squalebat civitas, pro Sest.* § 32, *pro Mil.* § 20. The *tot viri tales*, in order to appear in mourning, had changed their *tunica* with the *angustus clavus*, a narrow stripe for a plain black tunic. If they were senators they wore the *tunica* with *angustus clavus* instead of the *tunica laticlavia.* Magistrates laid aside their official purple-edged cloak (*toga praetexta*), and the ordinary citizens wore no toga at all. It was the custom also during the time of mourning to let the hair and beard grow long, and those who were entitled by their position to wear a toga wore the oldest and shabbiest they had.

16. **solida et expressa**, 'strong and genuine.' The metaphors are from material objects: *solidus* is used of what cannot be broken, opposed to *fragilis; expressus* is used of anything modelled in wax, stone, plaster etc.; its opposite is *adumbratus*, merely sketched; *exprimere* figuratively thus = to represent exactly, clearly, and never has the simple meaning 'to express.' *solidus* and *expressus* are very frequently used in combination by Cicero, cf. *de Off.* 3 § 69, *de Nat. Deor.* 1 §§ 75 etc., *Tusc.* 3 § 3.

17. **fucata . . veritatis**='not with a superficial veneer put on, as is the case with articles which are intended for sale in the open market, but stamped with signs of genuineness,

as one stamps articles which belong to the house and are a permanent possession with marks burned into them.' *forensis* opposed to *domesticus.*

18. **inusta**: *inurere* usually in a bad sense 'to brand,' *pro Cluent.* § 129.

futtilis: the MSS. all read *facilis*, other emendations are *fallax, fragilis. futtilis* 'this courting and complimenting of the people is worthless.' If *facilis* is retained—and as the codices are unanimous it should be retained if at all possible—it must be translated either (1) 'easily given,' 'costing nothing,' or (2) 'volatile,' 'shifting,' a use unparalleled in Cicero, but cf. Verg. *Aen.* 8. 310 *faciles oculi* 'easily moving.'

20. **non excutitur**: lit. 'is not shaken out,' as a garment is shaken out by the buyer, i.e. 'examined'; cf. Gk. ἐκσείειν.

non in manus sumitur is unnecessarily bracketed by Landgraf as a gloss (or *glosseme*), an explanation of *excutitur;* the rhythm, however, of the sentence is in favour of its retention.

§ 30 l. 21. **rebus externis**: in public life.

22. **rebus domesticis**: in private life.

inferiorem quam te: according to the grammarians, e.g. Zumpt § 484, *inferior* and *posterior* only take the ablative of comparison and are not used with *quam.* Instances, however, are not uncommon, e.g. *de Off.* 1 § 116 *inferior quam pater.* Ernesti considers the whole passage interpolated.

23. **generis . . nominis**, 'in some considerations—I mean those of birth and name.' These genitives depend on *rebus* and define or describe the *res* more closely. The genitive is originally the case of *connexion*, a characteristic which is capable of very varied extension, and the exact nature of which depends on the context of each passage. Landgraf emends to *genere et nomine*, Orelli *generis dico et nominis decore*, Bak. *generis dico et nominis commendatione. genus* = nobility of birth, *nomen* = family renown, referring to the fact that both Laterensis' father's and mother's family was of consular rank. *dico* 'I mean,' cf. Gk. λέγω δέ.

aliis, 'in other respects.'

24. **societatum**, 'joint-stock companies,' § 32.

16 1. **iacis**, 'you let fall hints of . . '; cf. *iacere probra, contumelias in aliquem.*

non modo . . sed ne . . quidem instead of *non modo non . . sed ne . . quidem,* because both clauses have a common

predicate ; cf. *de Off.* 3 § 77 *talis ais non modo facere sed ne cogitare quidem quidquam audebit.*

2. **bimaritum**, 'bigamist,' cf. Varro *bivira.*

5. **impunitum in maledicto mendacium**, 'an unwarranted and scandalous lie,' lit. 'an unwarranted lie in (in addition to) a scandal.' *impunitus*, lit. 'unpunished,' 'unchecked,' 'reckless' ; cf. *pro Scauro* § 15 *impunita mentiendi licentia maledictum* 'a scandalous statement,' but not necessarily false, hence *mendacium* is added ; cf. *pro Mur.* § 13 *maledictum est si vere abiciatur vehementis accusatoris.*

6. **mimulam**, 'some wretched ballet-dancer.'

a iuventute = *a iuvenibus quibusdam.* Cicero, in excusing this act of Plancius, mentions two circumstances—(α) *a iuventute*, a vague expression which, without stating definitely that Plancius was one of these young men, urges that it was a mere youthful frolic ; (β) that it was a common usage, almost a law or privilege (*vetere iure*), which prevailed, if not at Rome, at any rate in the provincial towns. We know nothing of any *vetus ius ;* the instance of a similar occurrence in Livy 2. 18 does not show that such were frequent.

8. **oppidano** : opposed to *urbano.*

§ 31 l. 8. **eleganter** = *honeste*, 'uprightly' ; cf. *pro Sulla* § 79, where *elegantia* (*vitae*) is joined to *integritas.*

10. **emissus aliqui**, 'but you say some one was let loose from prison,' i.e. by Plancius when *tribunus plebis. aliqui* is the reading of the codex Tegernseensis and is kept by all recent editors. *aliqui* cannot be adjectival here, and we must consider it as = *aliquis.*

et quidem, 'yes, but . .' καὶ . . γε. A vivid form of affirmation used to bring into prominence the reasons urged in defence of the action, an effect which is enhanced by the repetition of *emissus ;* cf. *pro Rab. Post.* 8 § 22 *at dioecetes fuit regius, et quidem in custodia fuit regia.*

13. **praemandatis**, 'a warrant for his arrest,' cf. Vatin. *ep. ad Fam.* 5. 92 *ego tamen terra marique ut conquireretur* [*anagnostes*] *praemandavi.*

14. **de cuius . . dubitetis**, 'in order that you may doubt' = *ut de eius . . dubitetis.*

15. **religione**, 'uprightness,' 'sense of duty.' The meanings of *religio* (probably connected with *lig-are*, that which binds down ; cf. *licta, lex*, Lucr. 1. 109 and Munro's note) fall into two classes :—I. Subjective, religious fear : (α) conscience, con-

scientiousness, e.g. *expers religionis*, unscrupulous; (β) piety, devotion, worship, belief, superstition. II. Objective, the object of that religious fear, *aliquid religioni habere*, to consider a thing an object of religious fear, either of things or places, e.g. *fanum:* (α) active, a religious obligation, an oath; (β) passive, that which is sacred, *quae religio? aut quae machina belli?* of the wooden horse, *Aen.* 2. 151; that which is contrary to the gods' will, a crime, sin, curse, of which one stands in awe, e.g. *exsolvere rem publicam religione.* The correct spelling in Augustan prose is *religio*, in older writers and in verse *relligio* is found.

XIII. **pater** etc.: the elder Plancius, at the time when he was the most prominent of the *publicani*, made himself very unpopular with the senatorial party; and Laterensis had expressed the opinion that his support would or should only prejudice his son's case. The circumstances (vide Introd. § 13) were briefly these: a *societas* or tax-farming joint-stock company, in 61–60 B.C., of which Plancius was director, had bid for and received the contracts for the taxes of Asia. Owing to the Mithradatic war, which had reduced the resources of the country, they found afterwards that it was impossible to get in enough money to make the contract pay; they consequently asked for an abatement. The senate was disinclined to grant it; finally, by Caesar's exertions, a reduction of a third was granted. Cn. Plancius during the whole proceeding followed a strong line, and did not hesitate to express his opinion openly of the niggardliness of the senatorial party.

17. **ut**, 'do you wish that . .,' introducing a rather indignant question; cf. *Catil.* 1 § 22 *tu ut ullam fugam meditere? tu ut exilium cogites?*

18. **in dimicatione**=*in discrimine, in periculo fortunarum*, 'when all his material interests are at stake'; whilst *capitis* above=*social* status, *caput et fortunae* is legal language.

19. **tales viros**: sc. *iudices.*

turpissimus, 'immoral,' 'depraved.'

20. **sordidissimus**, 'of low birth.'

22. **communi sensu**: according to Munro on Lucr. 1. 422 there are two main uses of this phrase, which, however, often run into each other: (i.)=*naturalis sensus*, the sense or instinct given by nature to all sane men. Cicero uses the phrase in this sense both in sing. and plur., cf. *pro Cluent.* 17, *de Orat.* 3. 195, and the passage before us; (ii.) a distinct usage=the *social* sense, 'an acquired perception of the common duties and

proprieties expected from each member of a community,' 'tact,' 'sense of social duty'; cf. Hor. *Sat.* 1. 3. 65—

quovis sermone molestus;
'communi sensu plane caret' inquimus.

Cf. infra § 34, *de Orat.* 1. 12, also Seneca, Quintilian, Juvenal. Landgraf attempts the distinction of *communis sensus* = common instinct, the ordinary opinion of mankind = (i.); *sensus communis* = (ii.) tact. In no classical author has the phrase ever the meaning 'common sense'; cf. for an exhaustive discussion of the subject Mayor on Juv. 8. 73.

commendatione naturae, 'the voice of nature,' lit. 'the commending voice of nature'; cf. *de Or.* 2 § 257 *oculorum commendatione, pro Flacc.* § 24 *commendatione famae.* For somewhat similar instances of this tendency towards fulness of expression in Latin, or at any rate Ciceronian Latin, we may compare the Latin preference for compounded verbs where in English the simple verb seems sufficient, also such constructions as *vitiatus atque corruptus* 'utterly false'; vide note on § 1.

§ 32 l. 28. **Crassi**: P. Licinius Crassus, father of Marcus Crassus the triumvir, during his consulship triumphed over the Lusitanians. In 86 B.C. he committed suicide to avoid falling into the hands of Cinna and Marius; cf. Livy Epit. 80.

29. **ut postea**: the *ut*, like those above, follows *is* and *ea.*

30. **inter suos** = *domi.*

17 1. **societatum auctor**, 'the promoter of the largest tax-farming companies.'

2. **non modo . . sed**: usually *sed etiam; non modo* almost = *ne dicam.*

4. **vel minus honestum et alienum**, 'even a less honourable man, and one who was in no way related to him.' *alienus*, opposite of *propinquus* or *necessarius.*

vel auctoritate vel, 'both by . . and.'

§ 33 l. 5. **inquit**: sc. Laterensis.

7. **ergo** etc.: the connexion of thought is 'if *libertas*, freedom of speech, cannot be tolerated, are we to tolerate the free and reckless remarks which Laterensis himself has made about the character of the elder Plancius? But Roman knights have always been outspoken: for instance, they criticised the great Scaevola in a very outspoken manner.'

9. **ubinam . . ubi . . ubi**: for the anaphora cf. § 9.

13. **Scaevolam**: Quintus Mucius Scaevola Pontifex (the

last-named title to distinguish him from Q. M. Scaevola Augur) was consul in 95 B.C. with L. Licinius Crassus, whose colleague he was in all state offices except the tribunate and the censorship. Distinguished for his eloquence, which Cicero speaks of in the highest terms in *Brut.* 115, 163, *de Or.* 2 § 229, also for his knowledge of law. He was the first lawyer to systematise the Roman codes, the *ius civile;* cf. *de Off.* 1 § 116, *de Or.* 1 § 180. Cicero attended his *responsiones*, or formal statements of opinion on legal points. In 99 B.C. he was praetor of Asia for nine months, and distinguished himself by his unflinching justice and his stern repression of the extortionate practices of the *publicani*, in which he was well supported by his quaestor, Rutilius Rufus, who was prosecuted by them in 92 B.C., and, in spite of Scaevola's defence, was condemned, probably owing to the fact that at that time the jury-courts were almost entirely in the hands of the equites. Scaevola met his death in the battle of Sacriportus in 82 B.C. Cf. *ad Att.* 9. 12. 15, *de Nat. Deor.* 3 § 80, *Brut.* § 311, Vell. Pat. 2. 26.

15. **et libere**: Landgraf brackets these words on the ground that they are weak after *aspere et ferociter;* but the MSS. all contain them and, as Wunder remarks, *facilius asperitas et ferocia equitis Romani quam libertas tolerabatur.*

XIV. 16. **consuli** etc.: the connexion is 'why should I mention the outspoken remarks made by *publicani* and knights to the aristocracy, when even an auctioneer was allowed to say the rudest things to a consul unchallenged?'

Nāsīcaē: P. Corn. Scipio Nasica was consul in 111 B.C. with L. Calp. Bestia. Cicero *Brut.* § 128 says of him *omnes sale facetiisque superabat.*

Granius: an auctioneer noted for his humorous sayings and caustic wit, cf. *de Or.* 2 § 244 *Granio nemo quidem dicacior;* cf. *Brut.* §§ 160, 172, *de Or.* 2 §§ 254 and 281.

17. **iustitio** (*ius*, *sistere*), 'a cessation of all public business.' A *iustitium*, according to Mommsen *Staatsrecht* i. p. 263, implied a cessation of private suits (*differt vadimonia praetor* Juv. 3. 213), the closing of the treasury, *aerarium*, the postponing of all public auctions, the prorogation of the sittings of the senate, and generally the suspension of all public business, with the exception of those for the furtherance of which the *iustitium* had especially been declared, e.g. in this case the levying of troops for the Jugurthine war which had just broken out, 111 B.C.

18. **reiectae**: in this word lies the point of the joke; with *auctiones* it = *dilatae* 'put off,' with *legationes* it = *repudiatae.* In

order to obtain an audience of the senate, embassies found it necessary to make large presents to the consuls, cf. *ad Q. Fr.* 2. 12. Granius' saying is all the more caustic because Nasica's integrity was well known. The embassy here referred to was that undertaken by Jugurtha's son and two of his intimate friends; the answer they got was *uti diebus X Italia decederent* Sall. *Jug.* 27 sq. To prevent this system of bribery, in the year 67 B.C. a decree of the plebs was passed (the so-called *lex Gabinia*) that the senate should devote the month of February exclusively to the reception of embassies. The senate were also compelled to give their award within ten days of the reception of the envoys; cf. Cic. *ad Q. Fr.* 2. 11, 32; vide Mommsen *Staatsrecht* iii. p. 1156.

auctiones, 'public auctions'; these were held in the open or in *atria auctionaria*, a spear being always planted in the ground as the official sign of the auction. The articles were put up for sale by the *praeco*, the money for them being paid to the *argentarius* or clerk who attended him. The *praecones* received a commission on the goods sold, hence Granius' supposed disappointment.

20. **M. Druso**: M. Livius Drusus, tribune in 91 B.C., felt it his duty to 'rise in revolt against the oppressive and disgraceful political control which precluded any possibility of upright administration, and to make a serious attempt at reform; he was a man with whom the beautiful saying that nobility constitutes obligations was and continued to be the rule of his life,' Mommsen. His proposals for reform were, however, annulled by the great capitalists, and Drusus himself was murdered; cf. Mommsen *Rom. Hist.* iii. 224 'The Attempt of Drusus at Reform.'

22. **quid agis?** may have two meanings according to the accent; Drusus meant 'how do you do?' Granius meant 'what are you doing?' 'what have you got on hand now?' alluding to his political schemes (*magna molientem*); cf. Hor. *Od.* 1. 14 *o quid agis?*

23. **L. Crassi**: L. Licinius Crassus, consul with Scaevola the pontifex in 95 B.C., was instrumental in passing the *lex Mucia* for the expulsion of aliens from Rome. Best known as an orator; Cicero makes him the leading speaker in the *de Oratore*, cf. *de Or.* 3 §§ 1–8, *de Off.* 2 § 57.

Marcus Antonius, the grandfather of Mark Antony the triumvir, was praetor of Cilicia in 104, where he distinguished himself in the operations against the pirates. A staunch adherent of the Optimates, he was put to death by Marius and Cinna in 87 B.C. As an orator Cicero always speaks of him in

the highest terms, and introduces him into the *de Oratore;* cf. Valer. Max. 8. 9. 2, *Tusc.* 5 § 55, *de Orat.* 1 § 172.

24. **voluntatem,** 'policy,' 'political principles.'

25. **nostra adrogantia:** some inferior MSS. read *vestra. nostra* refers to the Optimate party, of which Cicero considers himself an adherent, cf. infra § 45 *noster ordo,* i.e. *senatorius.*

§ **34** l. 28. **Planci:** i.e. the elder Plancius.

contumeliae, 'was there ever a remark of Plancius' which did not express sorrow rather than abuse?'

29. **a sociis:** the other shareholders in the tax-farming companies (*societates*).

30. **iniuriam:** for details of the difficulty which the *publicani* had in getting an abatement of the contract for the taxes of Asia vide note on § 31. When the people voted for the reduction of the estimate, Plancius the elder had been the first citizen to record his vote.

18 3. **tulit apertius,** 'displayed less disguisedly,' cf. *prae se ferre.*

4. **communis sensus,** 'tact,' vide § 31 note.

5. **hic**=Plancius the elder.

6. **promptum habere**=*in promptu habere,* lit. 'to have ready,' 'to show,' 'give vent to,' cf. Sall. *Cat.* 10. 5 *aliud clausum in pectore, aliud promptum in lingua habere. habeo* with the perf. part. passive (*habeo visum,* It. *ho veduto,* Fr. *j'ai vu*) is commoner in Cicero's letters than in his speeches, cf. *ad Fam.* 6. 2 *statutum habere;* so *expertum, absolutum, susceptum* etc. For a careful collection of such instances vide Thielmann *Archiv f. Lat. Lex.* ii. pp. 372 and 509.

§ **35** l. 7. **ex me,** 'from my own experience.'

8. **conferuntur,** 'are referred to, are put down to Plancius,' cf. *ad Fam.* vii. 32 *omnia omnium dicta in me conferri.*

10. **contentione dicendi,** 'carried away by my speech.'

et quia etc., 'and because, as so often happens, some saying gets abroad—it may not be very witty, but at any rate not entirely stupid, and whoever may have said it, it is put down to me.' All rhetoricians, from Aristotle, recommend, especially in the exordium, the use of witticisms, *τὸ γελοῖον, ridiculum, urbanitas* etc., either (α) derived, *ἀπὸ τῆς λέξεως,* (β) *ἀπὸ τῶν πραγμάτων,* (γ) *dicta,* (δ) *facta.* Aristotle *Rhet.* 3. 18. 7 *περὶ δὲ τῶν γελοίων ἐπειδή τινα δοκεῖ χρῆσιν ἐν τοῖς ἀγῶσι καὶ δεῖν, ἔφη* Γοργίας, *τὴν μὲν σπουδὴν* (earnestness) *δια-*

φθείρειν τῶν ἐναντίων γέλωτι, τὸν δὲ γέλωτα σπουδῇ ὀρθῶς λέγων. εἴρηται πόσα εἴδη γελοίων ἐστὶν ἐν τοῖς περὶ ποιητικῆς (this part, however, of the *Poetics* is lost) *ὧν τὸ μὲν ἁρμόττει ἐλευθέρῳ* (the gentleman), *τὸ δὲ οὔ. ὅπως οὖν τὸ ἅρμοττον αὐτῷ λήψεται. ἔστι δ' ἡ εἰρωνεία τῆς βωμολοχίας* (buffoonery) *ἐλευθεριώτερον· ὁ μὲν γὰρ αὑτοῦ ἕνεκα ποιεῖ τὸ γελοῖον· ὁ δὲ βωμολόχος ἑτέρου.* Cf. Quint. 6. 3. 1 ff. . . *risum iudicio movendo . . et animum ab intentione rerum frequenter avertit et aliquando etiam reficit.* . . Cicero believed strongly in the rhetorical effect of his witticisms, cf. *Orat.* 26. 90, *de Orat.* 2. 58–71. Quintilian, however, talks of him as *in salibus aliquando frigidus* 12. 10 § 12. His *ἀποφθέγματα* were, nevertheless, much admired, and many of them were incorporated in the different collections of witticisms made in his day, e.g. by Caesar, Trebonius, and Cicero's amanuensis Tiro. Cf. *ad Fam.* 6. 32, 9. 16, 15. 2. On the humour of the ancients generally vide Arist. *Rhet.* 3. 18. 7, Quint. 6. 3 f., Cramer *Anecd. Paris.* i. p. 403, Volkmann *Rhet.* p. 234.

15. **stomachor** etc. For the sentiment cf. Mart. 1. 39—

> *quem recitas meus est o Fidentine libellus*
> *sed male cum recitas incipit esse tuus.*

Cf. *ad Fam.* 7. 32.

16. **scivit legem**: voted first for Caesar's law, which reduced the contract made by the *publicani.* This *lex Julia de publicanis* remitted a third of the amount of the contract, cf. Suet. *Caes.* 20, Dio Cass. 38. 7.

22. **sortis**: the order in which the tribes gave their votes was decided either by lot or by the presiding officer, in this case Caesar. The votes of the remaining thirty-four tribes were influenced considerably by the vote of this *tribus praerogativa,* cf. Livy 24. 7, 27. 6; vide Introd. § 21.

splendor Planci: sc. *est,* 'it is a great compliment to my client Plancius.'

23. **hunc** = Plancius' father.

XV. § 36 l. 25. **sed** here introduces a *reditus ad propositum.*

aliquando = *tandem aliquando,* 'and it is high time too.' The argument in full is 'but let us come at last to the point at issue (whether Plancius has made use of *sodalicia*); in dealing with this you have made the *lex Licinia,* which really only treats of illegal combinations (*sodalicia*), embrace all the laws about corrupt practices (*ambitus*) in general. Your sole motive in making your charge under this *lex Licinia* was to avail

yourself of the method of choosing a jury which it enjoins. If this method of forming a panel is fair in any case of corrupt practices (and I hardly think it is) except in these cases which affect the tribes as such, I fail to see why it was only in cases of this nature that the senate decreed that the tribes from which the jury were chosen should be named by the prosecutor, and did not apply this same system of nomination to all other cases; I do not see why, in a case of mere corrupt practices, the senate instituted the right of challenging the jurymen by both litigants, and whilst employing every form of severity it yet chose not to avail itself of this form, i.e. compelling the case to be tried by *iudices editicii.*'

19 1. **lex Licinia**: vide Introd. § 6; passed in 55 B.C. in the consulship of Pompey and Crassus, directed against *sodalicia*, illegal combinations, clubs, which might facilitate bribery or intimidation at elections. It was more severe than the *leges de ambitu* in (1) its penalties, (2) its methods, especially the choosing of the jury.

4. **ulla in re**: i.e. *in ambitu.*

re tribuaria: any matter in which operations are carried on *tributim*, here the organisation of electioneering clubs; cf. Introd. § 16.

§ 37 l. 10. **quid?** 'what?'

11. **tandem**, 'only now.'

causa: i.e. why the system of *iudices editicii* was applied only to cases of *sodalicia*, not to all cases of supposed bribery.

12. **hesterno die**: the trial of Plancius occupied two days; on the first day Laterensis opened the case for the prosecution, and Hortensius replied; on the second day Cassius Longinus, Hortensius' *subscriptor*, spoke for the prosecution, and Cicero for the defence; vide Introd. § 7.

13. **Hortensio**: Quintus Hortensius, the orator, born 114 B.C., was thus eight years Cicero's senior. He began his oratorical career at eighteen, when he delivered his first speech in the Forum. He was for a long time the leading counsel of the Roman bar, until in 70 B.C. Cicero displaced him, having gained a signal victory over him in the case of Verres. He was still, however, till his death in 50 B.C., a prominent advocate, often speaking on the same side as Cicero, e.g. *pro Flacco, pro Milone, pro Murena* etc. As a representative of the Asiatic or florid style of oratory, he had a large circle of admirers among the younger men at Rome; older men, however, preferred the plainer, more incisive style of Cicero. The

latter's criticism of him is given in *Brut.* 64. 228 *rem complectebatur memoriter, dividebat acute, nec praetermittebat ferre quicquam quod esset in causa aut ad confirmandum aut ad repellendum. vox canora et suavis; motus et gestus etiam plus artis habebat quam erat oratori satis.* In politics he was a loyal Optimate, but after the triumvirate of Pompey, Caesar, and Crassus in 60 B.C. he retired from politics and devoted himself to the care of his fish-ponds (Pliny *H. N.* 9. 55, Macrob. *Sat.* 2. 11, Cic. *ad Att.* 1. 18. 19), to the writing of a treatise on various rhetorical questions, *annales*, and erotic poetry.

tum: bracketed by Köpke and others; all the MSS. give it.

14. **sensimus**, 'we, the senators, felt . .'

15. **consensionem**, 'this union,' 'combination,' cf. *Verr.* 2. 5. 4 § 9.

magis honeste quam vere, 'with more flattery than truth.' Cicero seems to prefer this method of expression to using the comparative in both clauses.

16. **sodalitas**, 'guild,' 'association,' 'brotherhood'; these *sodalitates* were originally formed for social purposes or for the maintenance of religious rites, and in some ways form a close parallel to our masonic lodges, e.g. *sodales* did not usually go to law with each other, and any member of the *sodalitas* who was in pecuniary difficulties was assisted by the contributions of his colleagues; cf. Introd. § 16, Cic. *de Sen.* § 45, *Verr.* 5 § 9.

quam quisque . . corrumperet: several editors omit this as being a mere repetition; but in reality it represents the fulness of expression of legal and official language. Trans. 'what we senators felt then was this: in whatever tribe a man was guilty of bribery by means of this kind of combination, which more flatteringly than truthfully is called a "guild," the members of that tribe which he was said to have won over by illegal forms of munificence would be the most likely to know all about him.'

quam . . tribum: the antecedent is *eius tribus* below.

18. **reo ederentur**, 'nominated to try the defendant,' i.e. *is.*

21. **sua tribus**, 'one's own tribe' from the point of view of the accused.

XVI. § **38** l. 24. **Teretinam**: one of the 31 country tribes in which were included the people of Atina. There were 35

tribes at Rome from 241 B.C. onwards, the 31 country ones mentioned above and 4 town ones (*Collina*, *Esquilina*, *Palatina*, *Suburrana*).

credo: ironical, 'I suppose'; Plancius belonged to the Teretine tribe; Laterensis ought, according to the spirit of the law, to have nominated this tribe, because it was one of the tribes Plancius was said to have bribed; cf. infra *ad sententiam legis*, Introd. § 6.

fuit = *fuisset*: the indicative expressing the case *vividly*.

26. **venditorem**: in § 45 the tribe is described as *venalis;* Plancius first bought over the whole tribe and then sold their votes to Plotius, cf. § 54. This *coitio* was put down to Plancius, vide Introd. § 3.

29. **Voltiniam**: sc. 'I suppose you nominated . .' The Voltinian tribe, whose position in Latium is uncertain, supported Plancius strongly.

20 1. **quid cum**: sc. *est*, 'what has Plancius to do with . . ?'

Lemonia tribus: so named from the district Lemonium outside the Porta Capena; the *Ufentina* or *Oufentina*, from the river Ufens near Privernum, was founded in 318 B.C., Livy 9. 20. 6. The territory of the *Clustumina tribus* lay near the old Tuscan town Crustumerium, Livy 2. 19. These tribes are frequently mentioned in inscriptions, e.g. C. Papirius C. F. Clu. Carbo = Caius Papirius Carbo, son of Caius, of the Clustumine tribe.

2. **Maeciam**: the Maecian tribe resided near the Castrum Maecium, not far from Lanuvium; it was founded in 332 B.C. It was almost certain that Plancius would reject the Maecian tribe, because probably Laterensis belonged to it, and consequently would have such influence in it that to Plancius it would seem the most formidable of the four tribes nominated.

5. **ad suam spem**: Laterensis felt confident that the tribes he nominated would condemn Plancius.

9. **quid enim potest** etc., 'for he can bring forward no reason which could invalidate our statement that this nomination of tribes by the prosecutor is extremely harsh, if we are to set aside the motive which led us senators when we were discussing the proposed *lex Licinia*.'

§ 40 l. 11. **tu deligas**, 'you'll be choosing, I suppose?' *deligas* is an instance of the *potential* use of the Latin subjunctive put interrogatively. For the simple potential cf. Plautus *Curc.* 632 *quaeratis clamudem* 'you'll be asking for my cloak next,'

Cic. *Catil.* 2 § 18 *tu agris . . tu argento . . ornatus sis et dubites aliquid de possessione detrahere;* vide Madvig § 350 (398).

14. **notes**, 'appoint.'

17. **effundas**, 'shower upon me' the names of the jury. For *fundere* and compounds used of 'producing in abundance and spontaneously' cf. *de Or.* 3 § 175 *versus fundere, oracula fundere.*

18. **ut**: consecutive; **ante . . quam** expresses the time, **apud eos** the place of this unfair treatment.

20. **quod . . constitutum est**, 'a privilege which the ruling of the court allowed in the last case of a person tried on such a charge as this.' This person was P. Vatinius, who was accused under the *lex Licinia* in August, a month before the trial of Plancius.

21. **consilium** = the body of advisers, not officially empanelled, who assisted the praetor in his decisions.

§ 41 l. 22. **non enim . . acerba est**: the general sense is 'the nomination of the jury by the prosecutor is a hard measure from any point of view.' Trans. 'for it does not follow that because Plancius has so ordered his life as to have never knowingly offended any one, or because you have quite unwittingly appointed such men as jury that, though you would wish it otherwise, we appear before genuine jurymen not mere executioners—that therefore this system of selection is not a hardship to the defendant.'

For **non enim si . . idcirco** in sense of 'it does not follow' etc. vide § 8 note.

23. **aut tu ita errasti**: before *tu* supply *si.*

ut ederes: consecutive after *errasti.*

24. **ut veniremus**: consecutive after *ederes.*

25. **carnifices** = the jurymen, who might have been *inexorabiles, inhumani, crudeles.*

XVII. l. 27. **an vero . . cives . . nos . .?** 'or shall it be said that . . (others did so) . . whilst he . .?' An interrogative sentence introduced by *an* or *an vero*, followed by another clause co-ordinated asyndetically, is often used to mark the antithesis, the difference between two propositions. This constitutes an *argumentum ex contrario*, which makes use of *exemplum a minore*, and is an enthymeme κατ' ἐξοχήν.

clarissimi . . non tulerunt: the text of the scholia in the explanation of this passage breaks off at *Ser;* this probably should be *Servius*, i.e. Servius Sulpicius, who in 63 B.C., according to Cic. *pro Mur.* 23 § 46, proposed a system of *iudices*

editicii by which 125 knights and *tribuni aerarii* were to be appointed as jurors by the accuser; of these the accused might reject 75. This jury of 50 was to be increased by the addition of 25 senators, the method of whose election is unknown.

29. **referre**, 'register'; sc. *in iudicum album.*

21 § 42. l. 5. **doceo**, 'show,' 'demonstrate,' 'prove.'

illud acerbum iudicium, 'that harsh method of conducting the case,' governed by *fecisses*, and to be supplied with *quererer.*

6. **senatus . . populusque**: with regard to the order of the words Mommsen *Staatsrecht* iii. p. 1255 states that under the Republic, when decree of the people and decree of the senate stood side by side, the former usually is placed first; a reversal of this order, as here, is caused by considerations of the temporal sequence; cf. *CIL.* vi. 1319 *senatus consulto populique iussu.* Similarly Augustus in the *Monumentum Ancyranum* (3. 1) anticipates the election of his son by senate and people, because the senate first gave the order and the people then made their choice.

7. **observatas**, 'canvassed' = *quas observantia Plancius colebat et amicos retinebat;* cf. §§ 39, 45. *observare* is frequently joined with *colere*, and sometimes has the sense of respecting, revering; cf. *ad Fam.* 9. 20 *qui me quidem perofficiose et peramanter observant.*

10. **neque nunc multo secus existimo**: i.e. 'since you have been unable to prove bribery, I think the result will be much the same, i.e. that my client will be acquitted' (*absolutus*).

11. **ignotis**: unknown to Plancius, and also ignorant of the charge brought against him; cf. *in tenebris* infra.

14. **Voltinia . . iudices**: supposed to be spoken by Laterensis to explain why he had not nominated these tribes as those from which the jury might be chosen.

16. **immo vero**: a stronger form of *immo* = 'nay, rather,' *μὲν οὖν.* It has recently been suggested that *immo* was originally a verb, compounded from *in* and *emo*, **inimo* (cf. *adimo*, *dirimo*) = *immo*, with the meaning 'I take upon myself,' 'I assert.'

17. **tacitum**: *nullum tacitum testem haberet Laterensis si tribus illas edidisset; quia nullus esset qui de Plancii innocentia non diceret testimonium* Delph.

18. **excitares**, 'summon to give evidence'; more commonly simply *citare*, but cf. *pro Rab. Post.* § 48.

20. **suam**: sc. Teretinam.

quaesitor: a judge or president for the time being of a standing commission, *quaestio perpetua.* From the time of Sulla (81 B.C.) to that of Caesar there were eight praetors who presided over the proceedings in the different courts during their year of office. The question as to which court each was to preside over was decided by lot. If, as frequently happened, eight courts were not sufficient for the transaction of all the cases, a supplementary *quaesitor* might be appointed to preside over an extra tribunal. Cf. Introd. § 5.

25. **sine ulla cupiditatis suspicione**, 'without any suspicion of party-spirit, party-interest'; cf. *Verr.* 11. 2 § 12 *quaestores vehementer istius cupidi.*

27. **iudices**: as jurymen, members of the panel which was called *consilium.*

XVIII. § 44 l. 29. **consilium**, 'motive'; but Cicero seems here to be playing on the double sense of the word. *consilium* 'jury,' vide preceding note, and *consilium* 'motive,' 'intention.'

22 2. **tum**: i.e. if you had nominated those tribes who were best acquainted with Plancius and his case. **illorum** are the members of those tribes.

3. **sequestrem**, 'agent,' 'depositary,' who received money for distribution as bribes; vide § 38 and Introd. § 16.

respuerent aures: a strong mixed metaphor which Cicero uses three times elsewhere. Note the antitheses—*respuerent aures*)(*audirent; nemo agnoscerent*)(*nos non timide confiteremur.*

4. **gratiosum**, 'influential'; used of social influence.

7. **suffragatio**: properly 'voting for,' then 'support,' 'interest,' 'favour.'

§ 45 l. 10. **noster**: i.e. the senatorial order.

nostra modica liberalitate, 'a reasonable display of generosity on our side,' Cicero identifying himself with the average candidate for office. *modica* is semi-predicative. The Latins do not as a rule use *meus, tuus, noster* etc. with a substantive qualified by a mere epithetic adjective; e.g. *noster bonus amicus* is not found, although such expressions as *mea carissima filia* are, the reason being that the superlative conveys more than the simple adjective, and is not a mere epithet.

12. **conficere suam tribum**, 'to gain the votes of their tribe' for their friends.

14. **plena officii** etc., 'for this is nothing more than courtesy, attention, and a custom of the good old times.'

18. **decuriatio** etc.: vide Introd. § 16. These sections, 44–45, contain one of the strongest points in Cicero's defence. Laterensis had undoubtedly not acted in accordance with the spirit of the law in bringing under the *leges de sodaliciis* a case which could only in reality belong to those *de ambitu*, and not nominating for the jury the tribes which Plancius was supposed to have corrupted.

23. **tum mirabor**: i.e. if you prove these points.

armis: i.e. the *iudices* chosen from the tribes which were said to have been bribed by Plancius.

25. **non modo** = *non modo non*, because the verb of the second clause is the common predicate of both clauses, *de Off.* 3. 19. 77 *talis vir non modo facere sed ne cogitare quidem quidquam audebit.*

illorum: i.e. *tribulium iudicum.*

ista: *decuriasse, conscripsisse* etc. *Plancium.*

§ **46** l. 27. **rationem**: in an objective sense, method of conducting oneself, principle.

29. **hos**: i.e. jurymen chosen from tribes who know nothing of Plancius.

30. **abs te**: Lewis and Short state that this preposition has in Latin the following forms, *ap*, *af*, *ab* (*av*), *au-*, *ā*, *ă*; *aps*, *abs*, *as-*. The oldest form is *ap*, which was often reduced to *ā*, *ă*; it was also strengthened by the addition of *-s* (cf. *ex*, *mox*, *vix*). From the first this strengthened form *aps* was used only before the letters *c*, *q*, *t*, and was very soon changed into *abs* (as *ap* into *ab*): *abs chorago* Plaut. *Pers.* 1. 3. 79, *abscondo*, *absque*, *abstineo*. The use of *abs* was confined almost exclusively to the combination *abs te* during the whole ante-classic period, and with Cicero till about 54 B.C. After that time Cicero evidently hesitates between *abs te* and *a te*, but during the last five or six years of his life *a te* became predominant in all his writings, even in his letters. It was in September 54 that Cicero revised and copied out his *pro Plancio*, *ad Q. Fr.* 3. 1 *orationes efflagitatas pro Scauro et pro Plancio absolvi.*

23 XIX. 4. **cupidos sui**, 'many supporters who were men of social influence.'

5. **sodales**, 'members of an electioneering club'; vide Introd. § 16.

7. **quod tua dignitas postularit**: i.e. your appointment as aedile.

§ 47 l. 10. **in operas**: employments connected with the *societates*, or joint-stock companies of tax-farmers, of which Plancius the elder was a leading spirit; cf. Introd. § 13.

13. **comprehenderit**, 'secured the allegiance of,' 'laid under an obligation to himself.'

18. **haesitantem**, 'making no progress with,' 'at a loss.'

19. **communem ambitus causam**, 'the general charge of bribery.' Laterensis' charge of the special crime of *sodalicia* having failed, he resorts to a general charge of *ambitus*, of which in reality *sodalicia* formed a special kind.

20. **aliquando**, 'as it is high time we did'; cf. §§ 17, 33.

si videtur, 'if you have no objection,' 'if you please.'

§ 48 l. 26. **vera contentio**, 'a fair comparison'; for *verus* in the sense 'right,' 'just,' 'reasonable,' 'fair,' especially in the phrase *verum est*=*aequum est*, cf. Hor. *Ep.* 1. 7. 98 *metiri se quemque suo modulo ac pede verum est.*

27. **pedem conferre, ut aiunt**: as *ut aiunt* shows, the phrase *pedem conferre* is used in a transferred sense, the metaphor being from a battle; cf. Livy 6. 12. 13, 28. 2 etc. The proper meaning is 'to come to close quarters.'

29. **insto atque urgeo**, 'press persistently,' a very frequent combination; often without the *atque*, e.g. Plaut. *Merc.* 725 *non possum ita instas urges quasi pro noxio.* Cf. note on § 1.

posco (**pork-sko*, **pr̥k-sko*, cf. Skt. *pṛchámi*)=to demand in general, or unreasonably. *deposcere*, to demand pressingly; *postulare* (diminutive form of *posco*) is weaker, to desire, claim if circumstances permit, *incipit, postulare, poscere, minari*; also of legal claims, e.g. *de repetundis postulare. flagitare* (cf. *flagrare*, *φρύγειν*, *φλέγειν*, *flamma*, *flagitium*), to demand passionately or violently.

24 1. **quam tulerit**: *ferre tribum*='to gain the votes of a tribe'; for *ferre* cf. *ferre fructus, victoriam primas, suffragia, punctum* (Hor. *A. P.* 343).

4. **si iam**, 'supposing that.'

6. **rationem redditurum**, 'render an account of,' a metaphor from book-keeping.

XX. § 49 l. 8. **comitiis superioribus**: i.e. the elections, which in the consulship of Cn. Pompeius and Crassus (55 B.C.) were postponed owing to disturbances; cf. Introd. § 2.

10. **consul**: M. Lic. Crassus, who, as promoter of this very *lex Licinia de sodaliciis*, would be least likely to pass over any breach of his own law.

11. **harum legum**=*huius legis*, i.e. *Liciniae;* cf. *Verr.* 1 § 109 *leges Atiniae Furiae, ad Att.* 2. 18 *Iuliae.*

14. **comparandi**: here used absolutely, 'for making preparations.'

15. **diribitae tabellae**, 'the votes were sorted.' *tabellae* is not in the MSS. but is a conjecture of Wunder's. The ordinary procedure at a Roman election is thus described:—The tribes were summoned one by one (*vocatae*) along the *pontes* into the *saepta*, or enclosures, booths. Each voter, being provided with a tablet (*tabella*), wrote the name of his candidate on it. The tablets were sorted (*diribitae*), the result announced (*renuntiare*) by a herald (*praeco*), and afterwards by the presiding magistrate.

17. **ain' tandem?** 'indeed?' 'what?' for *ain*=*aisne* cf. *satin*=*satisne, audin*=*audisne.*

praerogativa, 'the century first called upon to vote'; this precedence was decided by lot, and the vote of the *centuria* or *tribus praerogativa* usually decided the election, as from superstitious motives its example was followed usually by a majority of the other centuries or tribes, cf. *de Div.* 1. 45 *praerogativam maiores omen iustorum comitiorum esse voluerunt.* Cf. Livy 24. 7, 27. 6, 5. 18, 10. 22, 26. 22.

19. **renuntiatus**: the proper spelling, not *renunciatus; nuntius*=**nountius*=**noventius*, possibly from an obsolete verb *novere*, to make new.

consul prior, 'the first of the two consuls,' 'the senior consul,' i.e. the one who obtained the greater number of votes, cf. *ad Pis.* § 2 *me . . aedilem priorem, praetorem primum populus Romanus faciebat, pro Mur.* § 35 *in praeturae petitione prior renuntiatus est Servius.*

20. **in illum annum**: the current year. Th. Mommsen *Staatsrecht* iii. 398 note 1 suggests *in alium annum*, which is very plausible. Most MSS. read *prior* before *eam*, in which case we must translate 'no one has as the first (of the two candidates) gained' all the votes of the centuries without being appointed

consul. The argument is this: if the vote of the *comitia praerogativa* has so much importance in the election of consuls, it is small wonder that Plancius gained immense assistance from it in his election as *curule aedile,* when the whole *comitia* voted for him.

23. **praerogativa,** 'were a favourable omen of his victory'; cf. *ad Fam.* 15. 5. 2 *quod si triumphi praerogativam putas supplicationem,* Livy 3. 51. 8. *praerogativa* is probably here a substantive. The *comitia* referred to are those begun in 55 B.C., but adjourned probably because of an *obnuntiatio ex lege Aelia et Fufia,* or owing to a case of *morbus comitialis,* epilepsy; cf. Introd. § 2.

25 § 50 l. 6. **si tibi gravitas** etc.: spoken with a touch of irony.

8. **desiderare**: properly 'to miss,' 'feel the want of,' cf. Gk. *ποθεῖν.*

10. **secundo**: sc. *loco,* which Cicero usually adds; cf. Goerenz on Cic. *de Legg.* 1. 13. 54.

12. **denique** introduces a general statement to conclude Cicero's series of maxims, = 'specially.'

13. **testimonium,** 'token of their esteem.'

ambitioni, 'in return for canvassing.'

XXI. § 51 l. 16. **illud**: properly speaking superfluous, but inserted to improve the sense-rhythm.

17. **querella dolorque**: hendiadys, 'despondent complaints, cf. § 76 *lacrimas et fletum* 'bitter tears,' § 93 *memoria et gratia* 'grateful remembrance,' § 97 *preces et vota* 'earnest prayers.'

illis sapientissimis viris: i.e. your father and your ancestors.

18. **App. Claudius Pulcer**: son of Caius Cl. Pulcer. During his father's life he failed to obtain the aedileship. Elected, however, at a later date, he celebrated the *Megalesia* with great splendour, and allowed no slaves to take part in them (Cic. *de har. resp.* § 26). During the Marian troubles he attached himself to the Optimate party and was banished. Consul in 79 B.C., he was afterwards governor of Macedonia, in which province he died.

19. **patre**: this has been corrected by some editors to *fratre.*

20. **civi**: ablative, but six lines below *cive.* Cicero most frequently uses *civi,* cf. *classi, cuti, avi, canali, igni, bili, imbri, angui, orbi.*

23. **L. Volcatius Tullus**: consul in 66 B.C. with M.

Aemilius Lepidus, supported Cicero in his treatment of the Catilinarian conspirators; cf. *Catil.* 1 § 15.

Pisonem: vide note on § 12.

ista: cf. supra *ista*, said contemptuously.

26 2. **Publius Cornelius Scipio Nasica Serapio**: consul in 138 B.C. with D. Junius Brutus, was instrumental in causing the murder of Tiberius Gracchus, and it is on this account that Cicero says he knew *neminem fortiorem.* Cicero describes him in *Brut.* § 108, *de Off.* 1 § 109 as *omnibus in rebus vehemens* and *acer in dicendo*, also *nullam comitatem habuisse in dicendo.* After Gracchus' death he was nominally banished by the senate to Pergamum (*pro Fl.* § 75), in the neighbourhood of which town he died. His nickname Serapio was given him because of his likeness to an Egyptian grazier of that name (Livy *Ep.* 55).

4. **C. Marius**: vide § 20 note.

duabus aedilitatibus: a rather strange extension of the abl. of manner, denoting the direction or respect in which the predicate is applied.

5. **L. Caesaris**: i.e. L. Julius Caesar Strabo, consul in 90 B.C. with Rutilius Lupus; censor with Licinius Crassus in 89 B.C. (*pro Arch.* § 11); put to death by Cinna and Fimbria after the outbreak of the civil war in 87 B.C. (*de Or.* 3 § 10).

6. **Cn. Octavius**: Cn. f. Cn., consul in 87 B.C. with L. Cornelius Cinna. After Sulla's departure to take the command against Mithradates, Octavius was the leading representative of the Optimate party in their struggle against Marius and Cinna; by his efforts Cinna was temporarily banished; he soon, however, returned accompanied by Marius and his army in such force that Octavius saw resistance to be useless; unwilling to leave Rome, although he knew that death awaited him, he proceeded in state, surrounded by his friends, to the Janiculum; here Cinna and his soldiers threw him from his curule chair, cut off his head, and set it up on the *rostra;* cf. *Tusc.* 5 § 55, Livy *Ep.* 80, Valer. Max. 1. 6. 10 for an account of this *bellum Octavianum* and the massacres which took place in it.

M. Tullius: if, as is probable, Cicero is quoting his instances in chronological order, the person meant is M. Tullius Becula, consul in 81 B.C. (cf. *de leg. agr.* 11 § 35).

§ 52 l. 9. **benigne**: i.e. because they would be saved the expenses entailed by the aedileship, especially the public games (*munera*), cf. § 13.

10. **L. Philippus**, as tribune of the plebs (103 B.C.) and consul (93 B.C.), showed himself a vigorous Optimate and an opponent of Saturninus (100 B.C.) and M. Livius Drusus (91 B.C.) in his attempt at reform. He subsequently became an adherent of the Sullan party. As an orator he was very distinguished and is spoken of by Cicero in the highest terms (*Brut.* §§ 103, 106, *de Or.* 3 § 4 etc.) For an anecdote about him and a *praeco* Volteius Menas vide Hor. *Ep.* 1. 7. 46 *strenuus et fortis causisque Philippus agendis clarus* etc.

11. **C. Caelius**: the MSS. read *Q.*; this editors have altered to *C.*, and applied the reference to C. Caelius Caldus, consul in 94 B.C. and author of the *lex tabellaria;* but, as Mommsen *Staatsrecht* i. 542 note 2 shows, his name was Coelius, not Caelius; it seems more probable therefore that we should read Q. Aelius, i.e. Q. Aelius Paetus, consul in 217 B.C. Cases of the omission of the quaestorship in a political career are few, but cf. that of the elder Africanus, *CIL.* 1. 280.

12. **P. Rutilius Rufus**: consul in 105 B.C. with Cn. Mallius Maximus. In 99 B.C. he accompanied L. Mucius Scaevola *pont.* as *legatus* to Asia, where he protected the provincials against the oppression of the *publicani;* the equites consequently on his return to Rome brought a false charge of embezzlement (*repetundae*) against him, in consequence of which he retired as an exile to Mytilene, and afterwards to Smyrna, where he spent the rest of his life in literary pursuits, especially the composition of a history of Rome in Greek; cf. *pro Rab. Post.* § 27, *pro Balb.* § 28, *Brut.* §§ 85, 113.

C. Fimbria: vide note on § 12.

13. **C. Cassius Longinus**: consul 96 B.C. with Dem. Ahenobarbus.

Cn. Aufidius Orestes: consul in 71 B.C.; *praetor urbanus* in the year of Sulla's death, 78 B.C.

18. **cursum tenendum**: a nautical metaphor for others, vide note on § 11 and cf. § 94.

20. **detractum dico?** an instance of the rhetorical figure *correctio* or προδιόρθωσις, closely allied to the *traiectio in aliud* with which Cicero says (*de Or.* 3 § 204) *aliquid a te ipse reicias.* The figure is often strengthened by *immo vero*, e.g. *Catil.* 1 § 2 *hic bene vivit. vivit? immo vero etiam in senatum venit;* cf. *pro Sest.* § 110, *ad Att.* 9. 7.

22. **significatum**, 'indicates your worth,' i.e. the people wished to reserve him for some greater office.

XXII. 23. **magnum quendam**, 'a very considerable sensation.' *quidam* with an adjective often = 'quite,' 'very,' 'greatly,' cf. Gk. *δή τις*: it is almost equal to a superlative; cf. *de Or.* 1 § 91 *innumerabiles quosdam nominabat, Tusc.* 2 § 11 *te Natura excelsum quemdam . . genuit.*

motum petitionis = *animorum motus qui ex petitione ortus est* Köpke.

24. **ne aliquid iurares**: the allusion is to the event narrated in Suetonius *Caes.* 20; in 59 B.C., during his consulship, Julius Caesar brought forward his *lex Iulia agraria de xxviris creandis ad campum Stellatem agrumque Campanum civibus dividendum, quibus terni pluresne liberi essent.* The candidates for the tribunate for the ensuing year were pressed to swear to support the law. Plancius, however, refused to take this oath, and retired from his candidature, thus incurring considerable odium, which Cicero implies had done harm to his recent canvass for the aedileship.

25. **de summa re publica**, 'about the most important interests of the state,' cf. *Catil.* 1 § 14.

§ 53 l. 28. **quam ob rem**: i.e. *quia apertius denuntiasti. in dissentiente populo* = *in dissensione populi.*

30. **nunc** = *cum incautus fueris* Köpke.

loco demovere: a metaphor from wrestling, 'to dislodge you from your position.' Similarly *de Off.* 1 § 80 *de gradu deici; de statu suo deici, depelli;* vide Meissner *Latin Phrase-book* E.T. p. 152.

27 3. **an te illa argumenta duxerunt?** 'or possibly the following arguments have induced you' to believe that a combination (*coitio*) took place; before *an* supply some such question as 'have my previous arguments induced you? or . .' *illa* = 'which follow.'

dubitatis etc.: spoken by Laterensis to the jury, 'can you for a moment doubt that there has been *coitio?* why, it was in combination with Plotius that Plancius carried the votes of a majority of tribes.' The emphasis is on *cum Plotio*, as is shown by the answer *una.* Laterensis' first argument is this: the tribes who voted for Plancius voted for Plotius, and *vice versa;* there must have been an agreement between the two candidates, otherwise there could not have been such perfect agreement in the voting; and as a matter of fact, although Plancius had been certain of the votes of 10 tribes, he would not have necessarily been elected, nor would Plotius in like case. But as in the *comitia aedilicia* two names could be voted on,

Plancius by his coalition obtained the votes of 20 tribes, and thus both were elected. To this not very cogent argument Cicero gives a deliberately obscure and hardly serious answer, 'could they have been elected together if they had not together got the votes of the tribes?' cf. Bonino *pro Plancio* p. 51.

6. **at nonnullas**: Laterensis' second argument. *at* = *at enim*, Gk. ἀλλὰ νὴ Δία, 'oh, but I shall be told'; the rhetorical figure known as πρόληψις or *occupatio*, the anticipation of an adversary's argument. Had Laterensis been able to show that in almost all of the tablets of one tribe the names of Plancius and Plotius appeared side by side, he would have had a proof of some weight; but as inspection of the tablets was not allowed, he has to limit himself to arguing that such a coalition must have taken place, because in some tribes Plancius and Plotius appeared to have got about the same number of votes. This, however, might have chanced to happen without any collusion on the part of the candidates. Cicero replies to this that the time-honoured principle of deciding by lot in election to the aedileship implies that the possibility of candidates being equal was contemplated. This is not really an answer to Laterensis' argument, but is intentionally obscure. Laterensis laid stress, not on the mere majority, but on the consideration that the majority was made up by the same tribes. This *sortitio aedilicia* was resorted to if there were several candidates, and more than two, or two provided they were not at the head of the poll, obtained an equal number of votes; cf. the *lex Malacitana* § 56 (a body of enactments for the local management of the colony Malaca, now Malaga, in Spain) *is qui ea comitia habebit . . si duo pluresve totidem suffragia habebunt et eiiusdem condicionis erunt, nomina eorum in sortem coicito et uti cuiiusque nomen sorti ductum erit ita eum priorem alis renuntiato;* cf. Mommsen *Röm. Staatsr.* iii. p. 413.

8. **venissent**: i.e. to the second election.

§ 54 l. 11. **et ais** etc.: Laterensis' third argument, 'and you go on to say that at the first election Plotius and Pedius handed over to you the Aniensian tribe to which they belonged, whilst Plancius handed over the Teretine; but that now both Plotius and Plancius ruthlessly withdrew those tribes in order that they might not get into difficulties (by surrendering to a rival votes which they needed themselves). But it is absolutely inconsistent that these gentlemen (at the first election), before they knew what the wishes of the populace were, should have been as you allege even then in coalition, and should have

deliberately sacrificed their own tribes in order to assist you and your party.'

14. **in angustum**: an ambiguous expression of Laterensis', which Cicero ridicules below, *angustias, restrictos.*

quam convenit: ironical, cf. *de Or.* 2 § 180 *vide quam sim deus in isto genere.*

16. **iactura**: deliberate sacrifice; properly 'a throwing overboard,' vide note on § 6.

17. **eosdem** etc., 'whilst these same gentlemen, when they now knew (from the first election) how strong they were, should have shown themselves so sparing and niggardly.'

20. **sed tamen**: *sed* breaks off, and returns to the line of argument begun in *et ais. tamen* explains, 'although you brought Plotius under the same charge, yet it was Plancius whom you brought to trial, who had not asked you to drop the charge (as probably Plotius had).'

21. **eum** = Plancius.

22. **adripere** = *in ius rapere* 'to bring to trial, but without sufficient reason.'

23. **testes**: i.e. witnesses who stated that their tribe, the Voltinian, had been bribed by Plancius.

25. **acceperint**: i.e. from Plancius. Laterensis maintains that the majority in the Voltinian tribe had not voted for him. The testimony, therefore, of this tribe is most valuable; for the fact that they did not vote for him shows that he had not bribed them. Cicero, however, points out that their evidence is worthless, for the majority voted for Plancius, either because they were bribed by him, or because they wished unasked to support him, in which case it is not likely they will give evidence against their favourite unless bribed by his rival Laterensis to do so.

28 XXIII. § 55 l. 2. **caluit**: *calere = multis sermonibus pervulgatum esse* 'was a burning topic of conversation.'

in causa refrixit, 'now in the trial all interest in it has cooled down'; cf. *Q. Fr.* 3. 2. 3 *Scaurus refrixerat* 'no more interest was shown in Sc.'

4. **eductus**, 'brought before the consuls,' the legal technical term.

6. **iactatum**, 'ill-treated,' lit. jostled; cf. § 17 *iactor in turba.*

9. **praeiudicii**, 'record of a previous sentence,' not = Eng. 'prejudice,' which is *opinio praeiudicata.*

10. **haec habes**, 'these are not the pleas you make use of,' 'this is not your view of the conduct of the case.' *habes* is here used loosely, as Köpke shows; it is to a certain extent parallel to *in causa habere* (cf. *Rosc. Am.* § 91 *haberet in causa*) = 'to have on one's side,' e.g. *argumenta*, but there is no doubt that in some way it picks up the preceding *habebas* 'consider.' Other editors take it as simply = *scire*, which spoils the sense of *confidis*.

13. **fautores**: sc. *sunt* = *favent*; words in *-tor* and *-trix* always denote those who do something habitually or for some permanent object. Thus of functionaries, *dictator*, *quaestor*; of artisans, *fictor* sculptor, *institor* retail dealer, *mercator* wholesale merchant, *structor* mason; of people who are always showing some distinguishing quality or defect, *calumniator*, *ratiocinator*; of those who have performed a feat so remarkable as to confer on them a durable characteristic, *creator urbis* (Romulus), *servator Graeciae* (Themistocles), *Cimbrorum victor* (Marius); cf. Meissner *Latin Phrase-book* p. 143 note.

14. **nimium retinens etc.**: vide § 33 and Introd. § 13.

§ 56 l. 20. **more meo pristino**: by a false assumption of modesty Cicero shirks the most difficult part of his task, the examining of the evidence, Schol. Vat. Cicero describes his usual method of dealing with evidence in *Part. Or.* § 49, where he states that an orator should begin by saying that the evidence is not to the point, then compare other cases and show instances where evidence has turned out to be false, then blacken the character of the witness by every possible means and try and show that he has some motive for giving false evidence.

21. **non quo sit . . sed quia est**: the subjunctive, according to Roby (§ 1744), is used of a reported or assumed reason, the indicative of the genuine or most probable reason; cf. *pugiles . . ingemiscunt . . non quod doleant . . sed quia . . omne corpus intenditur*, *Tusc. Disp.* 2. 23; but occasionally post-Ciceronian writers have indicative with *non quia* of false reasons, Hor. *Sat.* 2. 2. 89 *rancidum aprum antiqui laudabant, non quia nasus nullus* erat *sed credo hac mente quod hospes . . commodius* consumeret; cf. *Or.* 2. 72, *Lael.* 2. 13, Hor. *Ep.* 1. 10. 49.

24. **de me meriti**: alluding to his exile.

25. **ut eorum reprehensionem** etc., 'so that you who are men of considerable insight ought to take upon yourselves the duty of criticising these witnesses (and weighing their evidence),

and thus relieve me, who feel many scruples about it, from the task.'

vestrae prudentiae . . meae modestiae are datives = *vobis prudentibus, mihi modesto.*

29 4. **auditionibus**, 'hearsay,' cf. *Verr.* 4 § 102 *hoc solum auditione expetere coepit cum id ipse non vidisset?*

§ 57 l. 6. **iniqui**: as a substantive cf. § 40; adjectives are used as substantives frequently in the plural of concrete things, and more frequently in the second than the third declension.

multi multa: a favourite Latin collocation, cf. § 64 *omnes omnia.*

12. **manabit**: properly of a stream flowing and spreading from a source; metaph. of *nomen, Tusc.* 5 § 8; *fama, Phil.* 14 § 15; *oratio, ad Att.* 3. 12; *rumor,* Livy 2. 49.

16. **audivi**: cf. Cicero's favourite phrase at the time of the Catilinarian conspiracy, *comperi;* cf. *ad Fam.* 5. 5. 2 *esse aliquid abs te profectum ex multis* audivi. *nam* comperisse *me non audeo dicere ne forte id ipsum verbum ponam quod abs te aiunt falso in me solere conferri.*

XXIV. § 58 l. 17. **L. Cassius Longinus** was the *subscriptor* or junior counsel for the prosecution. Cicero throughout treats him with considerable respect, vide Introd. § 4.

18. **Iuventium**: probably Juventius Thalna, of the same *gens* as Laterensis, the first plebeian curule aedile, 365 B.C.; cf. Livy 7. 1. Cassius may have mentioned this Juventius to show that his client Juventius Laterensis deserved the curule aedileship because one of his ancestors had been instrumental in opening that office to every Roman.

19. **tecum**: i.e. with Laterensis.

expostulavi, 'remonstrated with you about.' The regular construction of this verb in Cicero is *expostulare cum aliquo aliquid* (or *aliquem,* as here), or *de aliqua re.*

23. **Congo**: most of the MSS. have *Longino*, but the Schol. Vat. has *Conco.* The person meant is probably Junius Congus, famous as an antiquarian; cf. Pliny *H. N.* praef. § 7.

24. **studio**, 'assiduity,' 'diligence,' referring to *persubtilis* 'well thought out.'

30 3. **pudore**, 'kindly feeling,' 'honour,' referring to the respectful tone which Cassius had adopted towards his senior, Cicero.

5. **humanitati**, 'culture.'

respondebo: i.e. because your speech was noteworthy in style and tone; the speech itself contained no arguments against Plancius which need refutation.

7. **aculei**: used frequently in the plural of the 'stings,' i.e. cutting remarks, with which a speech is armed against an opponent.

in me reprehendendo, 'in criticising me for my defence of Plancius.'

8. **non ingrati**: i.e. because they were in good taste and always respectful.

§ 59 l. 11. **omnia malo**: the construction follows the analogy of *volo* and *cupio*, cf. *pro Cl.* § 188 *nihil aut . . quod illa non filio voluerit.*

16. **aetas non est grandis**: Cicero's son was in his twelfth year at the time. His father was anxious to take him to his Tusculan estate and begin his education in rhetoric, but was detained by business in Rome, *ad Q. Fr.* 3. 3 and 4.

rex ille a Iove ortus: i.e. Atreus, who in the tragedy of Attius which bears his name addresses these words to his son. The quotation occurs in a fuller form in the *pro Sest.* § 102—

> . . *vigilandum est semper; multae insidiae sunt bonis.*
> *id quod multi invideant multique expetant inscitiast*
> *postulare, nisi laborem summa cum cura ecferas.*

The lines are trochaic (τροχός, τρέχειν, the running metre), *septenarii.* The scheme is—

| – ⏑ | – ⏑ | – ⏑ | – ⏑ | | – ⏑ | – ⏑ | – ⏑ | ⏒

In the first six feet a tribrach, spondee, anapaest, or dactyl may be substituted for the trochee; for the metre in Greek cf. Soph. *O.T.* 1524–fin.

> ὦ πάτρας Θήβης ἔνοικοι, λεύσσετ', Οἰδίπους ὅδε.

Cf. Plautus passim, e.g. *Pseud.* 265–393.

21. **poeta**: L. Attius, born 170 B.C., died 94 B.C., author of thirty-seven tragedies, which had a great reputation among both his contemporaries and Romans of later times.

illos regios pueros: Agamemnon and Menelaus.

22. **nusquam erant**, 'never really existed' but were mythological.

§ 60 l. 24. **Cn. Scipionis**: probably Cn. Cornelius Scipio Asina, who in 260 B.C. was consul with C. Duilius, and in 253 triumphed *de Poenis.*

26. **hoc praestaret**, 'he would be superior in this one point, he would be less envied,' i.e. people would consider that he had been elected for his father's sake; as it is they envy him, because though a mere knight he has obtained the aedileship.

28. **gloriae**: sc. *gradus*, 'the steps by which men attain fame' cannot be trodden by all alike; only such heroes as are just to be mentioned can reach them. The names that follow are all types of true Roman simplicity and old-fashioned virtue.

XXV. **M'. Curio**: Manius Curius Dentatus, as tribune of the plebs, compelled the senate to recognise the consuls-elect as such without any respect of persons (*patres auctores fieri coegit*), when Appius Claudius as the first interrex illegally held the comitia and rejected a plebeian candidate; cf. *Brut.* § 55. He was honoured by three triumphs, the most notable being that over Pyrrhus in 275 B.C.

29. **C. Fabricius Luscinus**, as consul in the year 278 B.C., stirred the admiration of Pyrrhus by his incorruptibility, his honour, and his bravery.

C. Duellius (less correctly Duilius, as it is connected with *duellum*=*bellum*, cf. *Or.* § 153) was the first Roman who was granted a triumph for a victory by sea, in this case gained over the Carthaginians at Mylae 260 B.C., and commemorated by the famous *columna rostrata*, a column in the Forum decorated with the *rostra* (beaks) of the captured ships.

A. Atilius Regulus Calatinus (Calatinus=from Calatia in Campania) was consul in 258 B.C. with Sulpicius Paterculus, and triumphed *ex Sicilia de Poenis*. In 249 he was *dictator rerum gerendarum*, the year in which App. Claudius lost his fleet at Drepanum.

31 1. **Cn. et P. Scipionibus**: the two brothers are meant who in the second Punic war held the command in Spain, *duo fulmina nostri imperii* Cic. *pro Balb.* § 34, *duo propugnacula belli Punici qui Carthaginiensium adventum corporibus suis intercludendum putaverunt* Cic. *Parad.* 1 § 12.

Africano: Publius Cornelius Scipio Africanus major, the conqueror of Hannibal at Zama 202 B.C. In 187 B.C. he was maliciously impeached *ex suspicione pecuniae captae;* as a result of this he retired into exile at Linternum, where he died; cf. Cic. *de Off.* 2 § 75 for a laudatory description of his virtues.

2. **Marcello**: Marcus Claudius Marcellus, consul in 222 B.C., conquered the Insubrian Gauls and the Germans, and near Clastidium gained the *spolia opima* by slaying the Gaulish

leader Viridomarus. He was consul five times, conquered Hannibal at Nola, passed over to Sicily and captured Syracuse. He met his death in an engagement with Hannibal at Venusia in 208 B.C., the eleventh year of the second Punic war; cf. Cic. *de Div.* 2 § 77, *de Off.* 1 § 61.

Quintus Fabius Maximus Verrucanus Ovicula, like the preceding a distinguished general in the second Punic war, was consul five times, and triumphed over the Ligurians and Tarentines; cf. Cic. *Verr.* 5 § 25, *Brut.* §§ 57, 72, 77, where a description of his oratorical powers is given.

3. **virtute**, 'in attaining to true greatness,' 'genuine worth.'

5. **honorum populi finis**, 'the furthest step of the high offices which the people gives'; the genitive *populi* is dependent on *honorum*, a construction quite rare in Augustan Latin, and apparently used only where the sense is quite clear; for instances cf. *ad Fam.* 7. 13 *causa intermissionis litterarum*, *Phil.* 2 § 48, Livy 1. 38, Caes. *B. G.* 2. 17; cf. Madvig *Lat. Gr.* § 288.

6. **octingenti**: from A.U.C. 245 (519 B.C.) to A.U.C. 700 (54 B.C.), the date of this speech, the total of years is 455. This gives 910 consuls apart from the *consules suffecti*, supposing that consuls had been elected every year. But in fifty-nine years for various reasons there were no consuls, the supreme power being usually held by *tribuni militum consulari potestate*, or a dictator and *magister equitum;* thus subtracting 118 consuls from 910 we get 792 = *octingenti fere.*

8. **sed** returns after a digression to Cassius' demand, *quaeris quid potuerit* etc., thus constituting a form of the rhetorical figure *revocatio.*

9. **L. Brutus**: the first consul (244 B.C.)

13. **sunt . . consecuti**: *sunt* is here trajected out of its normal position in order to separate the appositional *orti* from the subject of the sentence, and to avoid the ambiguity which would arise from the juxtaposition of the three adjective forms *orti, innumerabiles, alii.*

§ 61 l. 15. **T. Didii et C. Marii**: both *novi homines.* Didius, consul in 98 B.C., triumphed *ex Hispania de Celtiberis* in 93. For C. Marius' triumphs over Jugurtha (104), Teutones and Cimbrians (101 B.C.), vide §§ 26, 51. Cassius had asked 'can you show in Plancius' case military triumphs to justify his election as in the case of the *novi homines* Didius and Marius?'

18. **et non**: more commonly *ac non* = 'and not much rather,' used to make a correction of a previous statement.

21. **hoc imperatore**: *hoc* δεικτικῶς, Q. Metellus Creticus (cf. §§ 11, 27, Introd. § 7) being present in court.

23. **in me custodiendum**: cf. Introd. § 12.

§ 62 l. 24. **secundum**: Plancius possesses neither the first advantage, to be *disertus*, nor the second, to think himself such.

32 1. **quasi**: cf. § 61, to correct a false impression.

hunc: Plancius. Cicero is here ridiculing Laterensis, who was well known to be *leges ignorans*, Caelius *ap. ad Fam.* 8. 8.

3. **professi sunt**: i.e. 'those accomplishments,' *istius modi artes.*

7. **frugi**: originally a dative (cf. *frugi bonae* Plaut. *Pseud.* 340), its meanings seem to have been 'for food' → 'for service' → 'useful' → 'honest.' For a similar predicative dative cf. Plaut. *Stich.* 719 *nulli rei erimus postea* 'we shall be good for nothing'; so probably the phrase *solvendo esse*, *ad Att.* 13. 16.

8. **tector**: a plasterer or white-washer who works in stucco or fresco-painting; we find them mentioned in inscriptions together with *fabri.*

17. **ut numeres**, 'although you count.'

19. **civibus** may be either dative or ablative; cf. *ad Fam.* 14. 4. 3 *sed quid Tulliola mea fiet*, *Acad.* 2 § 77 *sapientiae vero quid futurum est?*

XXVI. § 63 l. 21. **eum**: i.e. Laterensis.

nimis . . iracundum: because he had accused Plancius, not Plotius; cf. §§ 17, 54. After *iracundum* most of the MSS. give *putabis*, which Wunder and most recent critics omit as a scholiast's addition.

in se: i.e. Plancius.

22. **facile patior**: cf. preceding § 62 *facile patitur* = 'I have no objection to.'

33 4. **enumeres**, 'count *up*,' 'to the full,' 'all.'

5. **Praeneste**: on the high ground at the foot of which Palestrina now stands. Its high position rendered it important in early times as a fortress, in later times as a health resort; cf. Hor. *Od.* 3. 4. 23.

6. **Cyrenis**: Laterensis was quaestor there during Cicero's consulship (63 B.C.)

7. **ita** goes with the whole sentence, 'so true is it that . . .'

=*adeo.* It does not go with *multa,* for which Cicero would probably have written *tot.*

§ 64 l. 10. **quaestura**: there were two quaestors in Sicily, one at Lilybaeum, the other at Syracuse. Cicero was quaestor at Lilybaeum in 75 B.C. under the praetor Sextus Peducaeus; cf. *Verr.* 3 § 182, 5 § 35.

11. **maximis imperiis**: i.e. the praetorship and consulship.

12. **multum gloriae . . ex laude**: Cicero very frequently joins these two terms; cf. *Catil.* 4 § 21 *erit profecto inter horum laudes aliquid loci nostrae gloriae, pro Lig.* § 37 *noli obsecro, C. Caesar similem illi gloriae laudem quam saepissime quaerere.*

ex quaesturae laude, 'my quaestor's duties which I performed so creditably.'

18. **numerum**, 'quantity,' 'supply'; this use of *numerus* as equivalent to *copia, vis,* seems confined to things used for *food;* cf. *Phil.* 2 § 66 *maximus vini numerus fuit, de Off.* 3 § 50 *magnum frumenti numerum advexerit.*

19. **mancipibus**, 'the contractors,' 'tax-farmers'; the leading members of the joint-stock companies of the *publicani.*

21. **honores**: details of these *honores* are wanting. Before leaving Lilybaeum he delivered a speech to the provincials, in which *multa eis benigne promisit* (Schol. *in Div.* p. 97), perhaps in return for their expressions of goodwill.

§ 65 l. 23. **casu**: not a mere repetition of *forte,* but used with reference to the *time* of Cicero's visit; it happened to be just at the height of the season. Cicero had not intended to go to Puteoli, hence *forte.*

24. **itineris faciendi causa**: i.e. in order to continue his journey by land to Rome.

decedens, 'as I was leaving my province.' The use of the present participle active *in the nominative singular* is very limited in Augustan prose, and should as a rule be avoided in composition. The present participle in Latin is always used of action which is *contemporaneous* with that of the verb with which it is connected; e.g. *haec ambulans meditor* 'I think of these subjects as I walk along.' It must usually be translated by 'as,' 'whilst,' 'when'; cf. Bradley's *Aids to Latin Prose* pp. 94–97.

Puteoli: now Puzzuoli, on the bay of Baiae, and near to the watering-place of that name.

27. **numquidnam esset novi**: cf. the common salutation

numquidnam novi? Orat. 2. § 13, *ad Fam.* 11. 27. 1; cf. *Rosc. Am.* § 107.

34 XXVII. 3. **unum ex iis**: cf. *de Or.* 1. 24. 111 *unus e togatorum numero* 'a mere citizen.'

aquas, 'the baths' at Puteoli, properly 'springs'; cf. *Aquae Sextiae, Aquae Cumanae, Aquae Aureliae* (= Baden-Baden). Cf. *Aix.*

§ 66 l. 5. **haud scio an**: lit. 'I don't know whether,' by degrees like *nescio an* = 'I'm inclined to think so' = 'perhaps,' 'probably.'

profuerit: the general sense is this, 'I had hoped to gain such prestige at Rome by my quaestorship at Lilybaeum that my ascent to the higher offices would be quite easy, and but for this incident I should probably have rested on my laurels and made no effort in canvassing. But my eyes were opened, I found that Rome cared little for provincial fame (*aures hebetiores erant*), and so did my best to make myself prominent in Rome, and not hope to gain everything by the fame I had won in my quaestorship abroad.'

10. **habitavi in oculis** etc.: for the usual methods of a canvass at Rome vide Introd. § 22.

11. **congressu meo**, 'an interview with me.'

12. **occupatis temporibus**, 'business hours'; time occupied by any employment, either business in the limited sense or state cares. The exact opposite of this is *otium* 'absolute repose.'

13. **otium . . otiosum**: a common combination, cf. Enn. *Fr.* 3—

otio qui nescit uti plus negoti habet
quam qui est negotiosus in negotio.
. . otioso in otio animus nescit quid velit.

Cf. *de Off.* 3 § 1, *pro Cael.* § 1.

16. **feriis**, 'holidays'; cf. *de Legg.* 2 § 29 *feriarum festorumque dierum ratio in liberis requietem habet litium et iurgiorum.* Cf. *de Or.* 3 § 85, where Cicero applies *forenses feriae* to the time when he is free from work in the law-courts.

M. Catonis: M. Porcius Cato censorius, born 234 B.C. at Tusculum, served with success against Hannibal in the second Punic war, against Antiochus in 191 B.C. Distinguished throughout his public life, especially in his censorship 184 B.C., by his vigorous protests against the growing degeneracy and Hellenising fashions of the Rome of his day. The *Origines*

is practically the first history written in Latin; it embraces the history of Rome from its foundation to 150 B.C., cf. Cornelius Nepos *Cat.* 3 *senex scribere historias instituit quarum sunt libri septem;* cf. Justin. praef. 5 *ut otii mei cuius et Cato reddendam operam putat apud te ratio constaret,* Suet. *Galba* 9, Colum. *rer. rust.* 2. 22. 1, Symmach. *Ep.* 1. 1. *clarorum virorum* were the words with which the *Origines* actually began. Tacitus intentionally copies them at the beginning of his *Agricola*—*clarorum virorum facta moresque.*

19. **virorum . . otii . . rationem**: for the dependent genitives vide supra *honorum populi* § 60.

20. **si quam habeo laudem, quae quanta sit nescio**: cf. the beginning of the *pro Archia, si quid est in me ingeni quod sentio quam sit exiguum.*

22. **meaque privata consilia**: as, for instance, in his suppression of the Catilinarian conspirators in 63 B.C., to which Cicero is alluding here.

23. **summa res publica,** 'the highest interests of the state,' cf. § 52.

§ 67 l. 24. **eadem via** etc.: there is a touch of irony in Cicero's contrasting his own success, though a mere *novus homo,* with Laterensis' failure to obtain the aedileship, although backed up *commendatione maiorum.*

25. **via munita . . est**: the ordinary phrase for laying down a road; there is no idea of 'fortifying,' merely 'building,' cf. *moenia.* For the metaphorical use cf. *pro Mur.* 23. 48 *haec omnia tibi accusandi viam muniebant, Verr.* 2. 1. 25 § 64.

26. **ego . . istius**: note the antithesis.

huc: i.e. to fame.

a me ortus, 'with no famous ancestry'; cf. *Tusc.* 4 § 2, *de leg. agr.* 2 § 1, for Cicero as *auctor nobilitatis suae.*

35 2. **sorte,** 'because the lot bade him,' i.e. because he was appointed quaestor of Macedonia.

lege, 'at the law's demands,' military service, in this case service as *tribunus militum,* being enjoined by law.

necessitate, 'on unavoidable business,' i.e. to carry out the business of the *societas* which his father delegated to him.

rebus iisdem: i.e. eloquence and knowledge of the law.

3. **nonnulli**: a hit at Laterensis, *fortasse* implying that Laterensis' reputation for eloquence and legal knowledge was not well founded.

adsiduitate, 'constant presence' in the local and literal sense, cf. *adsīdēre ;* here specially of the constant attendance of candidates in the assemblies and public places, as recommended in Q. Cicero's 'Candidates' Handbook,' the *de petitione consulatus,* ch. 11 *desiderat nomenclationem blanditiam adsiduitatem benignitatem* etc. ; cf. *pro Mur.* § 21, *Verr.* 1 § 101.

5. **qua,** 'by means of which.'

minima invidia, 'with the least amount of jealousy,' an ablative of attendant circumstances (the old sociative case). The juxtaposition of the two ablatives *qua* and *invidia* not agreeing is awkward and not usual in Cicero.

XXVIII. § 68 l. 7. **nam**: implying that one point is disposed of and the next is to be dealt with.

11. **meo nomine,** 'on my account,' because he had befriended me during my exile. *nomen* used here with an allusion to the use in mercantile language, 'debt,' literally the name of the debtor entered in the creditor's ledger, *tabulae accepti et impensi,* then a bond, note etc. ; cf. Ascon. *ad Cic. Verr.* 2. 1. 10 § 28.

13. **conturbare**: sc. *rationes,* used properly of a fraudulent bankrupt who deliberately throws his accounts into confusion ; then simply to become bankrupt, just as *decoquere, foro cedere,* or *solvendo non esse.* Trans. 'ought I to refuse to meet my obligations, or settle with all my other creditors in order as their claims become due, and discharge this pressing debt now when application is made for payment ?'

14. **hoc nomen, quod urget,** 'this pressing debt.'

dissolvere nomen, 'to discharge the debt,' properly to annul, abolish.

15. **quamquam**: a mere rhetorical particle used adverbially, 'yet,' 'however,' making a slight correction ; cf. Verg. *Aen.* 5. 195 *quamquam o! sed superent* etc.

dissimilis etc. : Cicero's meaning is that in paying a money debt the debtor parts with what he repays, but a man who repays a debt of gratitude still retains the feeling, and by retaining the gratitude repays the debt. The relations of a debt of money and a debt of gratitude are inverse. For a similar play on words vide *de Off.* 2 § 69. For a criticism of the whole sentiment, which is probably drawn from a rhetorical commonplace book, cf. Antonius Julianus (a late rhetorician of uncertain date) in Aul. Gell. *N. H.* 1. 4. He shows that *debere pecuniam* and *habere gratiam* do not exactly correspond ; this correspond-

ence would have been clearer if Cicero had written *pecuniam alteri debitam habere et gratiam habere*, so that the same word *habere* might occur on either side of the comparison. The statement is interesting, as showing the extent to which verbal criticism was carried by the rhetoricians.

21. **voluntate ipsa**, 'and I should equally repay it by my good feelings alone if this unpleasant juncture had not occurred.' *hoc molestiae* is the accusation of Plancius which gives Cicero an opportunity of showing his gratitude not merely by his good feelings but by personal service; cf. supra *hoc nomen, quod urget.*

36 § 69 l. 6. **meminisse** = to have something always present in the memory = *memoria tenere*, *μεμνῆσθαι*: **recordari** = to cause one's mind to recall something it has forgotten, then to lay to heart; thus *memoria* is merely the remembering something which has previously occurred by the agency of *mens et cogitatio*, whilst *recordatio* is the recalling to mind of something *cum animo et affectu;* cf. Seyffert-Müller *Lael.* p. 555. *recordari* in Cicero regularly takes the accusative (there are only two passages where the gen. is found) or *de*, the latter especially of persons.

7. **Opimium damnatum** etc.: Cassius had stated that even greater men have been condemned in spite of their services to the state and their influential friends, and blamed Cicero for his exertions on Plancius' behalf; Cicero shows that their friends did their best for them, and he is prepared to follow their example.

Opimius, consul 121 B.C., was instrumental in suppressing the rising of C. Gracchus. In 120 B.C. he was accused by Didius of having put Roman citizens to death without trial, and in spite of the defence of the consul Papirius Carbo was banished. He died in exile at Dyrrhachium.

8. **Q. Calidius**: *tribunus plebeius* 99 B.C. After serving as propraetor in Spain in 78 B.C. he was accused of extortion (*de repetundis*). The fact that twenty years before he had obtained the recall of Q. Metellus was of no avail and he was condemned. Knowing that the *iudices* had been bribed by his political opponents, he said *vel idoneam mercedem pro meo capite pacisci debuistis*, *Verr.* act. pr. § 38.

Q. Metellus Numidicus, consul with M. Junius Silanus in 109 B.C., fought successfully against Jugurtha and surrendered his command very unwillingly to Marius, Sall. *Jug.* 82. In 100 B.C., when Saturninus passed his agrarian law, to the provisions of which every senator was to swear obedience within

five days, Metellus refused, and rather than cause a disturbance went into voluntary exile at Rhodes (*pro Pl.* §§ 36, 88). He was recalled in 99 B.C. by the *lex Calidia*, to which very little opposition was made.

10. **suo nomine**: i.e. *servator rei publicae*, vide supra. Cassius seems to have said 'Opimius saved the state and yet was condemned, Calidius restored the great Metellus to Rome and yet was condemned, Plancius restored Cicero—surely he should be condemned too.'

XXIX. 12. **Q. Metellus Pius**, son of Metellus Numidicus, was praetor in 87 B.C. and distinguished himself by his services in the Social war; was instrumental in procuring the election of Calidius to the praetorship. As proconsul in Spain he conducted the war against Sertorius for eight years and was awarded a triumph at its close in 72, so that at the time of Calidius' impeachment he must have been absent from Rome; cf. infra *si Romae esse potuisset.*

14. **supplicasse**: i.e. that the Roman people should elect Calidius to the praetorship.

cum quidem, 'and what is more, on that occasion . .'

15. **illum**: Calidius.

§ 70 l. 16. **quo loco**, 'and whilst we are on this topic'; *locus* here almost in the rhetorical sense, cf. τόπος.

19. **nam** is elliptical, 'I do not mention Opimius' case in the same category, for . .'; cf. §§ 21, 38.

23. **illi iudices**: the jury were at this time chosen from the senate; Cicero here, as in *Verr.* act. pr. § 38, implies that had they been chosen from the equites such a shameful verdict would never have been given.

et non, 'and not much rather'; *ac non* is used similarly in the formula of *correctio;* cf. §§ 61, 71, *de Off.* 1 § 5.

parricidae, 'sacrilegious wretches,' 'traitors'; used similarly of Catiline's associates, Sall. *Cat.* 51. 25, of Antony's adherents, Planc. ap. Cic. *Fam.* 10. 23 etc. The history of the word is uncertain; it may = *patricida* = *qui patrem caedit*, but Th. Mommsen *Röm. Staatsr.* ii. p. 541 connected the first part of the word with *perperam, periurium* etc.; it would thus = 'a murderer of the worst kind' and to be visited with the worst penalties; this would agree with its earliest use in the law *si qui hominem liberum dolo sciens morti duit paricidas exto;* cf. Osenbrüggen-Wirz on *pro Mil.* § 17.

26. **finitimo bello**: in 123 B.C. he captured the Volscian town

Fregellae, which had revolted in consequence of the senate's refusal to grant the franchise to the Italians; cf. *in Pis.* § 95 with Asconius' note.

domestico bello, 'civil war,' i.e. by bringing about the murder of Caius Gracchus in 121 B.C.

§ 71 l. 27. **at enim**, 'oh, but I shall be told . .' = ἀλλὰ νὴ Δία, used to introduce a possible objection of an opponent in order to rebut it; the rhetorical figure known as *occupatio* or πρόληψις. *enim* here as in older Latin is an *asseverative* strengthening particle = 'indeed'; in Plautus it never means 'for' and in Terence it only occasionally has that signification. *nam* has a similar history and is connected in form with *enim;* cf. *eheu, heu; ehem, hem;* so *enim, nam;* cf. Langen *Plaut. Beiträge* p. 262.

28. **quasi vero**: used to refute a statement ironically, cf. *de Or.* 2 § 232, *ad Q. Fr.* 1. 1.

30. **quod istius . . an quia**: spoken by Cassius.

37 1. **iugulari**: i.e. he protected Cicero in Macedonia from the possibility of assassination at the hands of Catiline's associates, who were at the time scattered throughout Greece; cf. § 98. On the whole question of Plancius' services to Cicero vide Introd. § 13.

4. **posuit**, 'asserted as true' = *pro certo ponere* Livy 10. 9; cf. *Div. in Q. C.* § 16, *ad Fam.* 1. 9. 21.

8. **fuisse . . famae . . ferrum in foro flammam**: note the alliteration.

9. **toto illo anno**: 58 B.C., when Clodius was plebeian tribune.

10. **nisi forte**: ironical, cf. supra *quasi vero;* used here to introduce the figure known as ἀπαγωγὴ εἰς ἄτοπον or *reductio ad absurdum*, cf. Introd. § 34.

13. **excordem**, 'foolish,' 'senseless.' *cor* in this compound has its original meaning of intelligence, wits, cf. Ennius *Ann.* 335 *egregie cordatus homo catus Aelius Sextus;* cf. *corde conspicio meo* Plaut. *Pseud.* 773; so *corde sapere* Plaut. passim.

his: i.e. the jurymen, δεικτικῶς.

curia: i.e. the *Curia Hostilia*, the most ancient and revered meeting-place of the senators, always looked upon as symbolical of the greatness and inviolability of Rome; cf. Hor. *Carm.* 3. 5. 7 *proh Curia inversique mores.*

15. **is homo**, 'being as you are . . ,' i.e. as pictured in § 58 *omni et humanitate et virtute ornatus adulescens* etc.

17. **molestia**: so the better MSS. T and E. The *codices deteriores* read *modestia*, which must be taken ironically, 'forbearance.'

XXX. § 72 l. 18. **minus . . vehementer**
20. **nec considerate minus**
nec minus amice
} double chiasmus which increases the symmetry of the period.

21. **illud**, 'that statement of yours.'

22. **temporis causa**, 'to suit the particular occasion,' cf. § 74 *ad tempus.*

scilicet = *sci, licet*, 'know, you may do so'; thus in general *sense* the same as *scire licet*, which the Romans themselves imagined to be the full form of it. Here used to introduce an ironical statement, cf. *videlicet* (*vide, licet*) below. Trans. 'I suppose you would have us believe that I, a man with all my wits about me, invented reasons for seeming to be under the greatest obligations to another for services rendered, whereas really I was absolutely free from such. How then? Had I, to induce me to undertake Plancius' defence, too few, too unreal obligations of close intimacy, of neighbourliness, of hereditary friendship?'

38 1. **vererer**, 'I ought to have felt apprehensive, oughtn't I?' For the jussive subjunctive (*vererer = vereri debebam*), which is not uncommon in old or colloquial Latin and poetry, cf. Plaut. *Pseud.* 287 *si amabas invenires mutuam*, *Men.* 193, *Poen.* 524, *Bacch.* 421, *Trin.* 133, Ter. *Heaut.* 532, *Andr.* 793 (imperfects), Cic. 2 *Verr.* 3. 84. 195 *frumentum ne emisses*, Verg. *Aen.* 8. 643 *at tu dictis Albane maneres*, 4. 678 *vocasses*, 10. 854 *dedissem*, 2. 162 *dedissem*, Lucan. 7. 646 *et bella dedisses*, Cic. *ad Att.* 2. 1 § 3 *ne poposcisses.*

4. **mihi debere**: i.e. because Cicero was defending him.

6. **coronam civicam**: this was the crown of oak or ilex leaves given by one citizen to another for having rescued him from the thick of the fight. The heads of Augustus and Galba are crowned with it on several coins; still more frequently we see it on the reverses of imperial coins with the motto *ob cives servatos.* According to Aul. Gell. *N. A.* 5. 61 the censor L. Gellius had proposed to give Cicero a civic crown for his suppression of the Catilinarian conspiracy in 63 B.C.

7. **non quo sit . . sed reformidant**: the subjunctive of the reported or assumed reason, the indicative of the direct statement of the writer's opinion; cf. *Tusc. Disp.* 2. 23 *pugiles . . ingemiscunt non quod doleant* . . sed quia . . *omne corpus*

intenditur, *Or.* 2. 72, *Lael.* 2. 13, Hor. *Ep.* 1. 10. 49 ; vide § 56 note.

protectum : in Cicero always literally, e.g. *scuto*, *vinea.* The metaphorical use for *tueri* does not occur except in later writers ; cf. *pro Sulla* § 50.

§ 73 l. 14. **hoc** : i.e. that most men shrink from incurring unnecessary obligations.

15. **cum**, 'being as you are an intimate friend of mine.'

periculum vitae etc. : for Laterensis' sympathy with Cicero's misfortunes cf. §§ 2, 5, 86.

17. **luctu atque discessu** : hendiadys, the second term, as frequently in Cicero, giving an explanation of the first ; so *clamores et admirationes*, *natura pudorque*, cf. §§ 51, 77.

20. **te mihi remittere** etc., 'in everything you said to me you always showed that you willingly gave me permission to exert all my influence in advancing Plancius' candidature, because, as you said, his services to me gave *you* pleasure too.' Laterensis had evidently been so confident of his election that he had said he had no objection to Cicero's exerting himself on Plancius' behalf. According to § 54 a *coïtio* had existed between Plancius and Laterensis before the first elections.

§ 74 l. 24. **temporis causa**, 'to suit the occasion' ; cf. *Acad.* 2 § 113, *Tusc. Disp.* 4 § 8 ; similarly *ex tempore* is used, *Tusc. Disp.* 5 § 88.

oratio : there is a speech usually included in Cicero's writings, *Post reditum in senatu* (Teuffel *Rom. Lit.* p. 274 calls it 'undoubtedly genuine'), in § 35 of which the writer talks of *Cn. Plancius qui custos capitis fuit . . qui totam quaesturam in me sustentando et conservando collocavit.*

29. **duces et quasi signiferi** : for the metaphor cf. *pro Mur.* § 50, *pro Sulla* § 34, *ad Att.* 2. 1. 7 etc.

39 1. **dicta de scripto**, 'spoken from manuscript' ; the occasion was too important for an extempore speech. Cicero also wishes to show that he had not added the passage to the speech afterwards to suit the present occasion.

in qua etc. : ironical, 'in which speech you would have it that I was clever enough to devote myself to a man to whom I owed no special service, and by a lasting acknowledgment strengthened my obligation of thanks for so great a service.'

6. **eo genere litterarum** : Cicero alludes to his poem *de Consulatu meo* and its sequel *de Temporibus meis*, the latter in three books ; cf. *ad Fam.* 1. 9. 23. The Schol. Vat. remarks

that Cicero would have done wisely to omit this allusion to his verses, *quae mihi videntur opera minus digna talis viri nomine.*

7. **esse videatur**: on the rhythm of the ending vide § 4.

XXXI. § 75 l. 8. **clamitas**, 'you keep shrieking out,' a hit at Laterensis' delivery; cf. *Brut.* § 182, where the *clamator* is opposed to the *orator.*

quo usque ista dicis? 'how long are you going to go on talking in that strain?' i.e. trying to move the feelings of the jurymen by enumerating the kindnesses you had received at the hands of the accused. *dicis* in a semi-future sense used to add vividness. The words are the words of Laterensis, and spoken with indignation.

9. **M. Cispius** was plebeian tribune in 57 B.C. when Cicero was restored from exile. He exerted himself on Cicero's behalf, and as a result was maltreated by Clodius' hired ruffians. He was also accused by his political opponents of *ambitus*, and, in spite of Cicero's pathetic defence of him, was convicted.

obsoletae, 'used up,' 'out of date,' 'useless'; the MS. reading is *absolutae*, of which Graevius said pathetically *quid sit preces absolvere plane ignoro.*

10. **obicies**, 'will you bring up Cispius' trial against me—Cispius whose services to me I first was made aware of by your testimony, and whom I defended on your recommendation too? And will you taunt me with your "how much longer?"—me whose efforts on Cispius' behalf you admit were quite unsuccessful?'

15. **invidia**, 'invidious meaning,' 'malicious import.' The two meanings are (1) what Laterensis really meant, 'how long will you go on with your pathetic and tearful defences, seeing that it does your clients no good? You had much better stop'; (2) what Cicero makes out to have been Laterensis' meaning, 'we are tired of your tearful speeches; we have been induced by them on several occasions to pardon defendants for your sake, but we can't put up with them any longer.' This remark Cicero shows is unreasonable. It could only apply if it were true that his pathetic speeches had procured acquittal for his clients; but, as Laterensis himself has said, in the case of Cispius this was not so.

datus est ille, 'one man has been surrendered to you'; for the prosopopoeia cf. § 12.

condonatus est ille, 'another has been pardoned out of respect for you, for your prayers.'

16. **quidem**, 'but'; cf. *pro Sest.* §§ 15, 16, *Verr.* 2. 4 § 72.

17. **quod pro uno** etc.: the antecedent of *quod* is *id*; *quod*, an internal semi-cognate accusative after *laborarit*; *uno* is masculine. 'To say to a man who, after exerting himself on one particular individual's behalf, has failed entirely to gain his object . .'

19. **nisi forte**: ironical, vide § 71 n.

his . . hos: the jury.

§ 76 l. 23. **lacrimulam**: used ironically of forced tears, 'crocodile's tears,' *krokodilsthräne, lagrime di coccodrillo.* Laterensis had scoffed at Cicero's pathetic perorations, of which he was so proud, vide *Orat.* cc. 37, 38, and for which Quintilian criticises him. Cicero replies to Laterensis that his tears were genuine, not due to mere rhetorical artifice.

24. **verbi**, 'your expression.' Cicero objects, firstly, because they were not 'little tears,' secondly, because the diminutive was not part of the vocabulary of ordinary life.

40 1. **an ego . . non significarem**: questions with *an* must be regarded as the second clause of a double question, the first clause being suppressed, vide § 53.

5. **huius qui**: i.e. Cispius.

XXXII. § 77 l. 11. **L. Racilius** was plebeian tribune in 57 B.C. with Plancius, entering on his office 10th December of that year. In 56 B.C. he exerted himself in the interests of Cicero and the senatorial party against Clodius, who, when accused by Milo *de vi*, became a candidate for the aedileship of 56 B.C. in order to make himself sacrosanct and avoid the charge. The matter was discussed in the senate and promised to be decided against Clodius, against whom both Racilius and Cicero spoke in denunciatory terms. Clodius' hired ruffians thereupon raised such a tumult that the senate broke up in confusion. Laterensis had mentioned Racilius in order to depreciate the services of Plancius, who certainly during his tribunate had not exerted himself so strenuously on Cicero's behalf as Racilius; although Cicero *ad Q. Fr.* 2. 1 says *Plancius totus noster est*, having previously remarked *de tribunis plebis longe optimum Racilium habemus.* Cf. *ad Q. Fr.* 2. 6.

14. **prae me feram**: the two best MSS. T and E read *praeferam*; all other codices read *prae me feram*, which is preferable, as *praeferre* is found only with a substantive as object.

15. **contentiones . . inimicitias . . vitae dimicationes**: an instance of the rhetorical figure *climax* (κλῖμαξ, lit. 'a ladder').

17. **atque utinam** etc., 'I only wish that the Roman people had been allowed by the turbulent violence of certain individuals to make a return for his services to me which would be in proportion to the gratitude I feel to him for them.' *licuisset* with *populo Romano; ego* antithetical to *populo Romano; licuisset per* as in *per me licet* etc., 'as far as I am concerned you may,' 'I'll not prevent you.' Historical allusion uncertain, probably to some candidature of Racilius, possibly in 55 B.C., which was unsuccessful owing to some riot at election time.

19. **eadem contendit**, 'exerted himself as strenuously in my favour,' i.e. as Racilius did.

21. **sed me** etc., 'but that I felt that I ought to be satisfied with Racilius' services to me'; i.e. Racilius in his tribunate had done me such service that I felt I could not reasonably ask him to do more for me afterwards; he had done everything one friend could expect from another.

§ 78 l. 23. **mea causa . . facturos**, 'espouse my cause'; lit. 'act for my sake.'

quod . . crimineris, 'you reproach me with being grateful,' i.e. say that I need not be so grateful to Plancius.

41 1. **in monimento Marii**: i.e. in the temple of *Honos* and *Virtus*, which was erected by Marius from the booty acquired in the Cimbrian war. Here it was that the senate met to debate on Cicero's recall, cf. *pro Sest.* 116; the *senatus consultum* is quoted in the same speech, § 128.

2. **uni Cn. Plancio**: certainly not by name. The decree thanked all the magistrates, consequently Plancius, who was one of them, and the only one of them who had interested himself on Cicero's behalf.

6. **atque haec cum vides** etc.: the sense is 'when you see how grateful I am to Plancius, who you say had done me no service, how grateful must I be to you, Laterensis, who have undoubtedly been a true friend of mine?'

9. **defugerem** seems to suit Cicero's meaning better than *defugerim*, which is the reading of the best MSS.

11. **abhorret a virtute**, 'wretched is a word incompatible with manly virtue.' Book v. of the *Tusculan Disputations* is devoted to the axiom *virtutem ad beate vivendum se ipsa esse contentam;* cf. *Paradoxa* 2 § 19. The Stoics especially held that a man possessed of *virtus*—a combination of manliness and righteousness—could not be *miser*.

12. **exercitus**, 'worried,' 'harassed'; cf. *pro Mil.* § 5 *quid nobis duobus . . magis exercitum.*

leve . . onus: oxymoron.

13. **onus beneficii**, 'the obligation imposed by a service received.' In the MSS. these words are followed by *gratia*, which probably crept in from some gloss.

concurrunt, 'meet,' 'clash,' each party in the quarrels applying to Cicero for sympathy.

14. **propterea**: MSS. *propter*; other conjectures *propriae*, *conturbor propter*, *permultorum* etc.

§ **79** l. 19. **cuiusque tempus**, 'each one's circumstances.'

XXXIII. **agitur**, 'you have at stake the fulfilment or non-fulfilment of your desires (to triumph over Plancius), or if you will have it so, something more, your reputation and the credit you might gain from the aedileship . .'

23. **dispari**: because the loss of the suit would bring exile to Plancius, whilst to Laterensis it meant only frustration of his wishes (*studium*).

24. **me dius**: sc. *adiuvet*, vide § 9 n.

25. **abiecero** differs from *abiciam* only in expressing the action as more *sudden*; cf. Plautus passim.

42 § **80** l. 2. **merentes . . meminerunt . . meritam . . memori mente**: alliteration and paronomasia.

§ **81** l. 8. **educatores**, 'those who brought him up,' 'his foster-fathers,' cf. *de Nat. Deor.* 2 § 86.

11. **cuius opes**, 'who can possess, who ever did possess, such resources as to be able to stand without the good services of numberless friends—services which assuredly can never come into existence if you are to do away with memory and gratitude?'

14. **tam proprium hominis**, 'so characteristic of true humanity as the bond which is knit not merely by good service given but by goodwill intimated.'

17. **committere**: lit. to allow a thing to happen, here 'to allow oneself to appear . . outdone by the magnitude of the kindness.'

§ **82** l. 19. **crimini**, 'your charge' that I show gratitude, 'and that I in that very habit' of showing gratitude 'have been intemperate.'

21. **eum**: i.e. me, Cicero.

22. **beneficio**: i.e. the acquittal of Plancius.

qui: Laterensis.

23. **dicat**: why subjunctive? A mixture of two constructions,

'syntactical contamination.' The writer might say (1) *quod gratum . . esse dicit*, an ordinary causal sentence; (2) *quod nimium gratus sit*, virtually suboblique. The two expressions are contaminated, with as result the sentence in the text; cf. Cicero's *literas quas misisse diceret recitavit* from (1) *quas misisse dicebat*, (2) *quas misisset;* cf. *Verr.* 3 § 134, *de Off.* 1. 13. 40, *Verr.* 2 §§ 36, 113, *de Fin.* 1. 7. 24, *Brut.* § 276 etc. This principle of syntactical contamination—'the process by which two synonymous forms of expression force themselves simultaneously into consciousness so that neither of the two makes its influence felt simply and purely; a new form arises in which elements of the one mingle with elements of the other'—is of very wide influence in every language, cf. Plato τόδε, ὡς οἶμαι, ἀναγκαιότατον εἶναι, Shakespeare *Romeo and Juliet* i. 5. 133 'marry, that, I think, be young Petruchio.' Similarly *das gehört mein*, from *gehört mir* and *ist mein*, 'I am friends with him,' from 'I am friendly' and 'we are friends'; *poenarumsolvendi tempus* Lucr., from *poenas solvendi* and *poenarum solvendarum* etc. etc. Cf. on the whole subject Paul *Principles of Language* (trans. Strong) ch. viii. pp. 160–173, Dräger *H. S.* § 537, G. Middleton *Syntactical Contamination.*

24. **neque enim** introduces an example, 'for, to give an instance.'

25. **nec nocentes** etc.: Laterensis had said 'Cicero only shows thanks to those who need his aid in the law-courts; the only people who need such aid are *nocentes* or *litigiosi:* so you gentlemen of the jury can neglect Cicero's thanks as you are not *nocentes* or *litigiosi*, and so will never give him the opportunity of showing thanks.'

26. **quasi vero**: as in §§ 61, 62, to introduce a *reductio ad absurdum.*

43 XXXIV. § 83 l. 4. **sed** = δ' οὖν, 'be that as it may,' marks *revocatio ex degressione.*

nescio quo modo frequenter, 'most astonishingly (not to say needlessly) often.'

5. **sane** = *valde.*

creber, 'and have always returned to this topic'; cf. *ad Att.* 1. 19. 1 *in scribendo crebrior*, so *frequens*, *multus*, *totus esse in aliqua re.*

in ludos etc.: the exact point of Cicero's ironical reply is uncertain. The prosecution and defence of Plancius took place during the *Ludi Romani*, 4th–20th September, in fact on 5th September. Cicero in defending certain aediles on a

previous occasion during the games made capital out of the religious ceremonies, especially the processions of state-cars with the statues of gods on them, to stir up sympathy for his clients by appeals to these divinities, or perhaps pointing out that it was to the aediles that the public were indebted for this glorious pageant; Laterensis in bitter irony had said that he had done his best to prevent the trial coming on during the *Ludi;* Cicero answers irony with irony that certainly the trial was taking place during their celebration, but they were useless to him, as Laterensis had betrayed his oratorical device and he could not now make any allusion to the gods in the procession '*sine tensis quid potero dicere?*' A recent scholar (G. Rauschen) is, however, of opinion that the *Planciana* was delivered before the *pro Scauro*, i.e. before 2nd September 54; but this seems unlikely.

7. **tensis** (*θήσση* Plut. *Cor.* 25): the procession-cars inlaid with silver and ivory on which the statues of the gods were borne from the Forum to the Circus Maximus.

8. **nonnihil egisti,** 'you have been to a certain extent successful,' 'you scored a point,' the opposite of the phrase *nihil agere* of lost labour.

12. **mea lege**: i.e. the *lex Tullia de ambitu*, by which illegal canvassing was to be punished by ten years' exile, cf. *pro Sest.* ch. 5.

miserabiliores, 'more affecting perorations'; for other adjectives in *-bilis* used transitively cf. *dissociabilis* Hor., *penetrabilis* Verg., *genitabilis* Lucr. etc.; vide Lucr. 1. 11 with Monro's note. Cicero recommends appeals to emotion in *de Or.* 2 § 332; cf. *de Inv.* 1 § 106, *Part. Orat.* §§ 15, 56.

14. **declamatore,** 'a noisy braggart,' cf. *Orat.* § 47, implying a want of training and refined taste; to such Cicero always opposes himself as the well-trained, experienced, refined speaker; cf. *Brut.* § 308.

laboris et fori = *forensis laboris.*

§ 84 l. 15. **Rhodi** etc.: the witticism is not clear owing to our ignorance of what Laterensis had really said. The data are these: Cicero had spent the year 78–77 at Rhodes under the rhetorician Apollonius; Laterensis had served in Bithynia, the capital of which was Nicaea (Isnik), in the Mithradatic war, 74–65 B.C. Laterensis seems to have said: You, Cicero, are an orator, I am not; you were attending lectures at Rhodes, whilst I was fighting in Bithynia; you were learning the useless artificialities of rhetoric and philosophy, I was learning to defend the name and dignity of Rome. Cicero scoffingly takes *in*

Bithynia as if Laterensis had been there to study oratory, adding, I thought he was going to say *in Vaccaeis*, i.e. among a people utterly devoid of any knowledge of refined speaking—a hit at Laterensis' rough unpolished style. The objection to this is that to give the jest point we must imagine that Laterensis had been in some way connected with the Vaccaei (a tribe of Hispania Tarraconensis, occupying country round Zamora and Salamanca), but of any such relations we know nothing. Niebuhr conjectured *Barcaeis*, i.e. from Barca near Cyrene, where Laterensis held a military office for some time. For a joke on similar lines cf. *Div. Q. Caec.* § 39, *ad Fam.* 7. 2. A second explanation is to regard *severus* as the key-word. Laterensis may have said that the life at Rhodes was *minus severa;* the Vaccaei are then quoted as a people whose life was necessarily *severa.*

17. **locus**, 'if the question of locality can give any handle to criticism,' cf. *de Sen.* § 59.

19. **causa**: the reason of our respective sojourns.

20. **Rhodi**: it was here and in several Asiatic towns that Cicero studied under Menippus of Stratonicea, Xenocles of Adramyttium, Aeschylus of Cnidus, Dionysius of Magnesia, and especially Molo (probably the same as Apollonius mentioned above) and Posidonius. Under Molo Cicero acquired his so-called Rhodian style of oratory, i.e. a compromise between the extravagant flamboyancy of the Asiatic writers and the bald simplicity of the Attics; cf. *Brut.* 316, *pro Roscio*, Landgraf's Introd. p. 120 f.

24. **diligentia**: ironical; the scrupulousness which only consents to defend the innocent betrays the inability to defend the guilty.

causis ponderandis: temporal; we expect *in causis ponderandis*, very nearly the same as *causis ponderatis*, abl. abs.; cf. C. F. W. Müller on *de Off.* 1. 5, the only other instance in Cicero, *qui nullis . . praeceptis tradendis philosophum se audeat dicere*, where he says 'the ablative of the gerundive occurs twice in Cicero used as an abl. abs.' In Livy and Tacitus the construction is a little less uncommon; in Caesar, Nepos, and Sallust it does not occur.

§ 85 l. 26. **in Creta**: Laterensis had probably served here as legate.

44 1. **dictum aliquod**, 'that a good joke might have been made on your candidature, but I missed it'; the joke was a pun on *creta*, chalk used to whiten the togas of *candidati;* cf.

Pers. 5. 155 *cretata ambitio*, so Livy 4. 25, Introd. § 20. A similar pun in *pro Mur.* § 49 as emended by Madvig, *cretae ipsae candidatorum*. For *dictum*=witticism, *bon mot*, cf. *de Or.* 2. 54. 222, Quint. 6. 32, Cic. *Phil.* 2. 17. 42.

5. **aliquem**: Pompey, to whom Cicero sent a bombastic and voluminous letter giving an account of the saving of the state by Cicero from the Catilinarians; Pompey left it unanswered, an insult which Cicero never forgave; cf. *ad Fam.* 5. 7. 3 (letter to Pompey), *pro Sulla* 67.

XXXV. § 86 l. 9. **discessum**, 'withdrawal'; Cicero never talks of it as *fuga*.

11. **me auxilio defuisse**, 'that I refused to avail myself of assistance' offered by the equites, the whole of Italy, and all true patriots.

14. **tempestas**: for the metaphor cf. *Catil.* 1. 9. 22 *video quanta tempestas invidiae*, *pro Sest.* 47. 101 *periculi tempestas*, *in Pis.* 36. 89 *tempestas querellarum*.

15. **tribunicius terror**, 'fear of the tribune' Clodius, who held the tribunate in 58 B.C.

consularis furor, 'the mad rage of the consuls' of 58 B.C.—L. Calpurnius Piso Caesoninus and A. Gabinius; cf. *in Pis.* § 47.

16. **magnum fuit**, 'it would have been a hard task,' cf. *Acad.* 1 § 6, *pro Deiot.* § 19, *Verr.* 4. 53; cf. infra § 88 init. *fuisse praeclarum*. In phrases expressing possibility or necessity the indicative is used in Latin where we use a potential, in order to emphasise the *reality* of the statement, to state the *absolute existence* of the possibility or necessity. These clauses are nearly always impersonal. Cic. *de Off.* 1. 14. 44 *aequius est*, ib. 1. 9. 28 *aequius erat*, both used of the *present*, just as ἔδει in Greek. *longum est* occurs very commonly, 'it were too long a tale . .' Cicero almost always (Dräger gives one exception, *de Sen.* 23. 82) in these phrases uses the indicative; Tacitus and later writers often the subjunctive, e.g. *longum fuerit* Tac. *Hist.* 2. 2; vide Dräger § 145 p. 303, Roby 1535.

19. **illa principia**, 'their first acts on entering on their consulship.'

20. **perdidit**: lost by his culpable negligence; *omittere* is to lose inadvertently. Piso led a large force in Macedonia, but by bad generalship lost a large portion of it, disbanding the remainder on his own responsibility; cf. *ad Q. Fr.* 3. 1. 7.

vendidit: Gabinius in 55 B.C., without the consent of the

senate, restored King Ptolemy to his throne, and received for doing so 1000 talents; cf. *pro Rab. Post.* § 19, *in Pis.* § 48.

21. **emptis**: purchased from Clodius, who had sufficient command of the popular vote to allot provinces—the duty of the senate; cf. *pro Sest.* § 24.

22. **qui exercitu** etc., 'since no one knew the real attitude of the three men who by means respectively of their troops, military prestige, and wealth were the leading spirits at Rome, that fury's voice in accents womanish from unholy debauchery at most sacred shrines, to our bitter indignation, kept bawling out that these three, as well as the two consuls, were on his side.' *qui . . exercitu*, Caesar, who was in command of the troops as proconsul in Gaul. *armis*, Pompey, whose military successes had given him considerable influence. *opibus*, i.e. Crassus, cf. *pro Sest.* ch. xvii. *vox*, i.e. Clodius, who in 62 B.C., disguised in women's clothes, was present at the ceremonies of the Bona Dea which were being celebrated at Caesar's house; his object was to further an intrigue with Pompeia, Caesar's wife, daughter of Q. Pompeius Rufus.

45 § 87 l. 3. **at**=*at enim.*

erat mecum, 'was on my side'; *esse cum aliquo*=*facere cum aliquo* or *stare a partibus alicuius, stare ab aliquo.*

veste mutata, 'in mourning,' cf. § 29; a decree of the consuls forbade this (*indicia luctus ademerint* infra).

9. **in contionibus**: Cicero alludes to his friend L. Aelius Lamia, who ventured to defend him, and was exiled by Gabinius the consul, cf. *pro Sest.* § 29, *in Pis.* § 64. This Gabinius is called by Cicero *saltator Catilinae* 'Catiline's dancing buffoon,' on grounds of personal enmity, cf. *Catil.* 2 § 23, *in Pis.* §§ 18, 22 etc.

XXXVI. 13. **auxiliis studentibus**, 'enthusiastic and eager allies'; abstract for concrete.

14. **iure**, 'in courts of law.'

16. **quo** etc., 'my powers of oratory, the benefits of which so many have enjoyed to the full . .'; cf. *de Fin.* 2. 63 *abundare*=not only to possess in abundance, but to enjoy to the full.

17. **armis . . armis**: for the repetition (*geminatio*) vide § 11 n.

§ 88 l. 21. **fuisse praeclarum**=*futurum fuisse*, in or. rect. =*fuit praeclarum*, vide § 86 *magnum fuit*, n.

23. **L. Opimius**: cf. § 69. Consul with Q. Fab. Max. Allobrogicus in 121 B.C., the year of C. Gracchus' murder.

C. Marius: consul for the sixth time with L. Valerius Flaccus in 100 B.C., in which year they brought about the fall of Saturninus. Cf. *pro Rab.* § 20, *Catil.* 1 § 4.

25. **armatis**: antithetical to *privatus.*

26. **P. Mucius Scaevola** was consul with L. Calpurnius Frugi in 133 B.C., the year of Tib. Gracchus' revolution, in which, however, he took no active part. He was best known as a *iuris-consultus.* Cf. *de Or.* 1 § 212, *de Off.* 2 § 47.

27. **Scipio** = Publ. Cornelius Publi filius Publi nepos Scipio Nasica Serapio, for whom see § 51 n.

30. **adversarios**: Clodius and his hired ruffians, the two consuls, Piso and Gabinius, and the triumvirs, Caesar, Pompey, and Crassus.

46 § **89** l. 6. **Q. Metellus Numidicus**, whose voluntary withdrawal from the city in 100 B.C., rather than swear to Saturninus' agrarian law, Cicero often compares to his own *discessus;* cf. §§ 69, 79, *pro Sest.* §§ 37, 101 etc.

10. **suum factum**: his refusal to swear to the law of Saturninus. *suum*, because he was the only senator who refused.

11. **cum . . retinuisset**, 'although he refused to give up . .'

14. **triumphos**: the Fasti give fifteen triumphs obtained by the Metelli.

XXXVII. § **90** l. 23. **vellem**: Cicero does not refute the charge of cowardice, he merely adduces the following rhetorical argument: a *mors voluntaria* has as its reward *immortalitas;* to seek such a death, if detrimental to the state, is wrong; it is much more so to court a death which may harm the state without being sure of the *immortalitas.*—Köpke.

24. **ediderunt**, 'breathed out'; cf. *animam, spiritum edere.*

27. **impiorum**: Clodius and his rabble, who are *impii* because they resisted a *pater patriae.*

29. **natura ipsa**: here opposed to *vis morbi* = a natural death, but sudden, not the result of any preceding disease. It cannot refer to a death from old age, as Cicero was only fifty-two years old at the time.

30. **tamen** etc., 'yet the possibilities of assistance for the state in time to come would have been lessened, since by my death the precedent of how the senate and Roman people were destined to behave towards me would have been destroyed.'

47 2. **in retinendo**: for the details of Cicero's recall vide Introd. § 12.

4. **mense Decembri**: the envoys of the Allobroges were arrested on the night of 3rd December 63 B.C. On the 5th of December Cicero delivered his fourth speech against the Catilinarians (*ad Att.* 1. 19. 16, 14), who were executed the same day.

6. **aliorum**: Junius Silanus and Licinius Murena, consuls in 62 B.C.

§ 91 l. 10. **nam quod**: elliptical, introducing a new topic; it has reference to an objection made by the opponent (hence it is a *formula occupationis*), 'I have had to go into this fully because . .'

12. **negasti**: that I still have liberty of action, *liberum esse*, i.e. that I have not got myself entangled in such a network of obligations to all the leading politicians as not to know which way to turn. Laterensis' criticism was just, as Cicero himself shows, *ad Att.* 4. 6. 1, *ad Q. Fr.* 3. 1. 7, where he complains *meum non modo animum sed ne odium quidem esse liberum.* These words Cicero wrote in 54 B.C., the year that he defended Plancius; cf. Introd. § 13.

XXXVIII. 16. **primum** etc.: Cicero says 'whatever I do I cannot satisfy Laterensis; if I make new friends, he calls me fickle and wanting in independence; if I show gratitude to my old friends (*bene de me meritis*), he says I am needlessly grateful.'

17. **non desino**, 'I am continually being charged with being needlessly grateful,' lit. 'I do not cease to incur the accusation' etc. *desino* is the reading of the MSS.; several editors prefer *debeo.*

21. **ruere**, 'to be heedless, rash, in my actions'; cf. *Phil.* 3 § 31.

boni viri, 'patriots,' almost = *optimates*; cf. § 1.

ut id ne facerem, 'that I should not for a moment think of doing so.' *ut ne* denotes the injunction or purpose as positive, express; cf. Reisig-Haase p. 580.

§ 92 l. 22. **res publica . . loqui**: for the prosopopoeia cf. § 12.

23. **ut . . ut**: repeated for the sake of clearness.

48 2. **meis**: masculine, 'my friends.'

§ 93 l. 4. **quid?** 'what?' 'how?' continuing the explanation.

5. **idem sum** etc.: in *ad Fam.* 1. 9 § 17 Cicero uses the same argument to clear himself of inconsistency, adding that the characteristics of political parties change, and the patriotic politician must change accordingly.

6. **requires**, 'you will miss'; cf. *desiderare*, *ποθεῖν*.

9. **in orbe aliquo . .** , 'as if on a sort of wheel in political matters'; cf. *ad Att.* 9 § 1 for the metaphor.

XXXIX. 12. **Pompeium** etc.: Laterensis had urged that Cicero should abide by his friendships and his enmities; Cicero takes two important statesmen and explains his relation to each. Pompey had shown himself in favour of Cicero's recall, although in 58 B.C. he did nothing to prevent his *discessus*. He had also been the means of reconciling Cicero and Caesar. On Cicero's relation to Pompey vide *pro Rab. Post.* § 33, *ad Fam.* 1. 9, *in Pis.* § 76.

16. **tuear**, 'support.'

17. **C. Caesaris**: although Caesar in 58 B.C. had been, through his agent Clodius, indirectly responsible for Cicero's banishment, yet from 56–54 they stood on very friendly terms; cf. their correspondence, *ad Fam.* 5. 9. Caesar in fact had decided that Cicero's brains might be of use to him; he was anxious in Gaul to allow his plans time to mature, and not to be compelled to join in civil war too soon by a combination of Pompey and the Optimates; cf. *de prov. cons.* § 18, *pro Balb.* § 61, *in Pis.* 79.

18. **populi Romani . . senatus iudiciis**, 'by the numberless decisions of the Roman people and the senate!' In 59 B.C., by the *lex Vatinia*, the *comitia tributa* conferred on Caesar for five years the command in Illyricum and Cisalpine Gaul with seven legions. The senate then spontaneously added Gallia Comata (Narbonensis) and another legion. In 57, on Cicero's proposal, it decreed for him *supplicationem quindecim dierum*, and in the year 55 extended his command in Gaul; cf. *de prov. cons.* § 26, *pro Balb.* § 61.

19. **iudiciis**: decisions at the *comitia*.

20. **iudicium**, 'judgment,' 'discernment.' Cicero seems to be playing on the different meanings of the word.

21. **hominibus**, 'individuals.'

§ 94 l. 23. **secundis ventis**, 'with favourable wind'; cf. Plaut. *Stich.* 2. 2. 45, Caes. *B. G.* 4. 23, Hor. *Od.* 2. 10. 23. *secundus* from *sequor* = * *secutno-*; cf. *pando* = **patno*, *unda* = *udna* (*ὕδωρ*, *ὑδῃ-τος*).

25. **cum tempestate**, 'with the elements'; cf. *pro Balb.*

§ 61 *neque esse inconstantis puto sententiam tanquam aliquod navigium . . ex re publica moderari* 'to regulate my opinions by the condition of the political weather.'

27. **ego vero** etc., 'all that I have learned, witnessed, or read, all that has been put on record by the wisest and most illustrious men, both in our state and in other political communities, has taught me that the same man is not always to defend the same opinions, but rather those which the position of the state, the bias of the times, and the interests of peace may require.' For the sentiment cf. the extract in the preceding note. 'Cicero was deficient not in honesty but in moral courage; much too of his inconsistency can be traced to his professional habits as a pleader, which led him to introduce the licence of the Forum into deliberative discussions and (however inexcusably) even into his correspondence with his friends. . . Although he was perfectly aware of what was philosophically upright . . he was apt to fancy that the circumstances of his case constituted it an exception to the broad principles of duty.'—J. H. Newman.

49 XL. § 95 l. 7. **nunc venio ad**: common formula of *transitio;* cf. *nunc dicamus de, nunc exponamus, videamus nunc* etc.

8. **arcum facere e cloaca**: lit. 'to make a triumphal arch out of a sewer,' 'to make a mountain out of a molehill,' 'aus eine Mücke einen Elephanten machen.' Cf. Ov. *Pont.* 2. 5. 22 *e rivo flumina magna facis*, poetical fragment in Cic. *pro Cael.* § 36 *quid clámorem éxorsa vérbis párvam rém magnám facis?* On the justice of Laterensis' criticism vide Introd. § 13.

11. **temporis rationem**: i.e. the time immediately preceding his banishment, and the first few months of his enforced absence from Rome; Cicero usually talks of this period as *tempora mea* (cf. § 1), his period of misfortune, *quo insidiarum periculum et mortis fuit.*

15. **incendio**: metaphorically, 'that conflagration which threatened to destroy the laws . .' *ardor* below = the glowing fire, out of which a new conflagration and destruction of property (*deflagratio*) may arise.

16. **domus**: in 58 B.C. Cicero's house on the Palatine was sacked and burned, as also were his villas at Formiae and Tusculum; cf. *pro Sest.* ch. 24.

18. **petivi animo**, 'I intended to go to Sicily,' = *proficisci in animo habui.*

19. **sicut domus mea**: i.e. owing to his brilliant quaestorship at Lilybaeum; cf. § 64, *Verr.* 5 § 55.

C. Vergilius was praetor in Sicily in 60 B.C., in 58 propraetor there; cf. Introd. § 12.

20. **vetustas**, 'long-standing acquaintance,' opposed to *novitates*, newly-formed acquaintances; cf. *pro Cael.* § 68, *ad Fam.* 11. 27. 2.

21. **fratris collegia**, 'the fact that he had been a colleague of my brother.' Quintus Cicero and Vergilius had been aediles together in 65 B.C., praetors in 62.

§ **96** l. 22. **caliginem**: for similar metaphors of a dark political outlook cf. *nox* and *tenebrae*, *de prov. cons.* § 43. The opposites are *lux* and *sol*; cf. *Rosc. Am.* § 91, Seyffert-Müller *Lael.* p. 324.

23. **praetor**: strictly propraetor.

24. **tribuni**: Clodius.

25. **nihil amplius dico**: ἀποσιώπησις. The reason of Vergilius' refusal is given in *ad Att.* 3. 4. News reached Vibo that the *lex Clodia* had been amended, with the result that Cicero was not to stay within 400 miles of Rome; he had in consequence to go to Asia.

50 6. **Vibone**: *Vibo* = the Greek town Hippo, now Monteleone, on the west coast of Bruttium.

Brundisium: now Brindisi in Calabria, on the coast of the Adriatic. It was the terminus of the Via Appia, and the usual port for travellers to Greece.

XLI. § **97** l. 9. **in fide mea**: *fide* here = *tutela* or *defensio*, 'regarded me as their protector,' 'owed me allegiance.' This could come about only by the towns having at some previous period definitely entrusted themselves to Cicero's *clientela* or *patrocinium*—i.e. Cicero was bound to represent their interests in Rome, and they in return to give him what service he needed; cf. Caes. *B. G.* 2. 14, *B. C.* 1. 34, *pro Sest.* § 131, *ad Fam.* 14. 1, 3

12. **unam . . amicissimam**, 'pre-eminently well-disposed.'

14. **hortos**: lit. a pleasure-garden, as distinct from *hortus* a kitchen-garden; here = 'country house' surrounded with extensive grounds.

Flacci: M. Laenius Flaccus is mentioned *ad Att.* 5. 20. 8 as a friend of Atticus. Cicero stopped with him for thirteen days; cf. *ad Fam.* 14. 4, *pro Sest.* 131.

omnis metus, 'intimidation of every kind.'

15. **publicatio** etc.: as threatened by the *lex Clodia* to any who harboured Cicero within 400 miles of Rome.

20. **exaudiens**, 'hearing in the distance,' i.e. as they sailed from Brundisium.

Dyrrachium: in Epirus, the port to which most travellers to Greece sailed from Brundisium.

§ 98 l. 22. **refertam . . hominum**: i.e. the scattered Catilinarians; cf. *ad Att.* 3. 7. 9. The genitive with *verba abundandi* is less common than the ablative, and is said to be used when speaking of *large numbers;* cf. *de Or.* 2 § 154 *referta . . Pythagoreorum, ad Att.* 8. 1. 3 *urbem . . refertam . . locupletium.* Cf. Madvig *L. G.* § 286 n. 1.

23. **ferrum ignesque pestiferos**: the main features of the Catilinarian programme, hence Cicero's formal enumeration of them.

29. **confiteărĕque**: Cicero rarely uses *que* after a short *ĕ*; cf. *pro Caecina* 23. 64 *sine scutis sineque ferro.*

51 2. **nam**, 'I repeat,' 'well then'; *nam*, resumptive, serves here to introduce again the subject of the main sentence after a parenthesis.

4. **veste mutata**: he laid aside the *toga praetexta* (implied in *insignibus*) and put on mourning to show his sympathy with Cicero.

§ 99 l. 7. **rem . . crudelem . . nefariam**: alluding of course to the circumstances which caused this sympathy, not the sympathy itself.

9. **quaestorium**: sc. *tabernaculum, aedificium,* 'his official residence as quaestor,' Livy 10. 32; cf. *praetorium,* properly the praetor's tent. Under the empire various names were given to governors, *legati, praefecti, augustales, Caesaris correctores* etc., but their residence was nearly always called *quaestorium* (Garatoni).

10. **praetore Macedoniae**: i.e. L. Appuleius Saturninus; he was propraetor of Macedonia in 58 B.C.

12. **eadem**: i.e. Clodius' violence.

13. **ceteros**: e.g. Vergilius.

14. **ea**: the penalties of the *lex Clodia.*

15. **subire et perpeti**: cf. § 1.

§ 100 l. 15. **Tubero**: L. Aelius Tubero was an intimate friend of Cicero, well known for his prudence and his erudition

(*pro Lig.* § 10); accompanied Quintus Cicero to Asia as his *legatus* in 60 B.C.; joined the Pompeian party, but was pardoned by Caesar.

16. **decedens**: t. t. for giving up command of a province.

19. **ire** with **comparantem**, 'preparing to go.'

20. **necessitudinem**: Cicero had attacked Verres' malpractices in Asia, and from that time we date the 'friendly relations.'

23. **persona** (probably from *per-sŏnare*, that through which the sound goes): a mask worn by an actor. It is used in several phrases, e.g. *personam alicuius agere, ferre, tenere; personam suscipere* or *induere; personam tueri* (*Phil.* 8. 10); *personam alicui imponere* (*pro Sulla* 3. 8). *persona* thus got the meaning of personality, individuality, character, and lastly, in a concrete sense, a personage of distinction, a rather curious instance of which in English is the word 'parson.'

XLII. § 101 l. 24. **excubiae**: properly, watching outside, of a night-watch on out-post duty.

25. **vigiliae**: lit. keeping awake, a keeping on guard against an expected danger; used of four men who relieved watch every three hours.

custodia: the act of guard, then the place where the guard is set, then simply diligence, watchful care.

52 1. **siquidem**, 'if it turns out to be true that,' 'if indeed'; if, says Cicero, I fail to help you, then all the epithets *miseras, flebiles, acerbas, infelicem* are justified.

7. **peremisset**, 'had rendered *absolutely* impossible.' *perimere = in aeternum tollere.* Cf. *pro Sest.* § 49 *si causam publicam mea mors peremisset* 'had given the death-blow to . .'

8. **hos** = the jury, and even the prosecutor, who Cicero sees belong to his party, the Optimates, and consequently wishes to regard as his friends.

12. **pollicebar . . promittebam**: the usual distinction made is *promittere*, to promise, give hope of a thing generally, whether for oneself or others. *polliceor*, to spontaneously offer what lies in one's power, its opposite being *abnuere*.

§ 102 l. 19. **te cum mea salute complecti**: *te = tuam salutem*, 'to make your interests and mine one.'

21. **retinebo**: i.e. *ne in exilium eas.*

26. **divellat ac distrahat**, 'violently sunder'; cf. §§ 1, 13, 79.

27. **non ego meis**: note here two peculiarities of the order of words in a Latin sentence—(α) the negative stands first, 'the love of distinctness led the Latin writers in negative sentences to stamp the negative form on the sentence as soon as possible' Potts *Lat. Pr.* p. 59; (β) in a Latin sentence pronouns seem to attract each other; cf. Hor. *Carm.* 4. 9. 31—

non ego te meis
chartis inornatum silebo.

deprecor, 'intercede for' a person; cf. *pro Mur.* § 1. The usual meaning is 'to try and avert an evil by cries, entreaties.'

53 1. **parens**: on the elder Plancius vide Introd. § 13.

patres: *parens*=merely the author of our being, a procreator, and is used metaphorically in conjunction with *effector, conservator, artifex, procreatrix, educatrix; pater*=one who is legally recognised as head of a family or an association of any sort. Cicero called himself *parens Romae*, as being a second founder of the city he had preserved; *pater patriae*, as the father of the family of the state, who exercised his right of punishing the unruly members of that family. Cf. Juv. 8. 244 *Roma parentem, Roma patrem patriae Ciceronem libera dixit*, Flor. 3. 18, Cic. *in Pis.* § 6, *pro Sest.* § 121.

§ 103 l. 3. **quos . . suscepi**, 'whose enmity I incurred.'

8. **id a vobis ei persolvere**, 'to discharge by your assistance,' lit. by your draft, a mercantile metaphor; cf. *ad Att.* 5. 21 § 11, *pro Flacc.* § 46.

§ 104 l. 9. **C. Alfius Flavus**: cf. Introd. § 5; he was plebeian tribune in 59 B.C. when Caesar was consul. Although he supported Caesar's legislative proposals, he was unsuccessful in his candidature for the praetorship (*in Vat.* § 38); in 54, however, he was elected.

11. **adiutor fuisti**: of this we have no details.

16. **magno in metu meo**, 'in spite of my serious anxiety' on Plancius' behalf.

19. **saepe et multum**=almost *saepissime*; cf. *de Legg.* 3 § 33, *de Off.* 2. 20, *pro Quinct.* § 3.

APPENDIX

DE SODALICIIS

As stated above (§ 14), the growth of corrupt practices in the elections at Rome had reached most alarming dimensions. Legislation was continually being directed against it, now against one method, now against another, but the evil still continued unchecked. One of the special forms of corruption (*ambitus*, cf. § 15) which the laws attacked was the *sodalicia*, or *collegia sodalicia*, illegal combinations or meetings of citizens in order to influence the elections. The employment of these *sodalicia* was the crime with which Plancius was charged under the *lex Licinia de sodaliciis.*

History.

The right of public meeting at Rome was in the earliest times quite free from restrictions, and this freedom may be considered to be as old as Rome itself, and, in fact, a characteristic of the Latin races. Numa is especially mentioned as having instituted various sacerdotal *collegia* and guilds of handicraftsmen, who held meetings regularly; and the *Feriae Latinae* were the most notable outcome of this Latin federal spirit.[1] This was originally a panegyris of the Latin race, convened on the Alban mount, to worship Jupiter Latiaris and deliberate on matters which affected the confederacy. In the earlier times of the Republic the right of public meeting was allowed to burgesses, but was limited by the administrative, the magistrates, with the approval of the senate, imposing any restrictions they thought fit. Thus in 186 B.C. the consuls and senate in the *senatus consultum de Bacchanalibus* forbade the meetings of the Bacchic guilds without referring the matter to the main body of citizens;[2] but later on, e.g. in

Under early Republic.

[1] Cf. Livy 44. 19, 41. 16, 42. 10, Mommsen *Rom. Hist.* i. ch. 2.
[2] Cf. Livy 39. 8–19, *C. I. L.* 1. 196.

64 B.C., this senatorial right was questioned by the popular party, and considerably limited.[1] Under the later Republic the right of forming associations and holding public meetings was still further restricted. The senate had to assure themselves that the associations were not calculated to disturb the common peace, the places of meeting were fixed, and every assembly had to be presided over by a magistrate.[2]

Under later Republic.

Augustus' laws may be said to have abolished the right of association. In Italy, however, and the senatorial provinces leave to hold meetings was sometimes granted by the senate, e.g. *symphoniaci qui sacris publicis praesto sunt*[3] were allowed to meet *e lege Julia ex auctoritate Aug. ludorum causa.* By degrees, of course, this right of the senate was transferred to the emperors, who, however, very rarely made use of it, and did all they could to discourage meetings of any sort, at any rate in Rome itself. Severus (A.D. 300) was the first emperor to reverse this order of things, and from his time onward no limitations of any kind were imposed on meetings or associations. As Th. Mommsen[4] says, when Rome lost its rule over the civilised world, then the right of public meeting was restored to its citizens.

Under Empire.

Associations at Rome.

In classical times the associations which exercised the greatest influence on public matters were of three kinds—

(1) *sodalitates,*
(2) *collegia,*
(3) *sodalicia,*

the members of all three being called *sodales.*

Sodalitates.

(1) The *sodalitates* were specially of a religious nature. Their members had special temples, special sacrificial ceremonies, special banquets in honour of some divinity, and in these respects may be compared to the brotherhoods of modern Italy, formed ostensibly in honour of some special patron saint,[5] whose name they bear. Cato[6] thus talks of *sodales, primum habui semper sodales. sodalitates autem me quaestore constitutae sunt sacris Idaeis magnis Matris acceptis.*

The members of the same *sodalitas* were under special obligations, which were handed on from father to son. Thus one

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[1] Cic. *Corn. Sull.* passim, *in Pis.* 4. 8.
[2] Livy 39. 15 *ubicunque multitudo esset ibi et legitimum rectorem multitudinis censebant debere esse.*
[3] *C.* vi. 4416.
[4] *Staatsrecht* i. 341.
[5] Or, e.g., the *Fratelli della misericordia.*
[6] Cic. *de Sen.* § 45.

member never sued another at law, but was always ready to lend assistance to him in legal difficulties. No *sodalis* ever sat on a jury when the prosecutor was a member of the same *sodalitas.* As in our Masonic lodges, if a member at his death left his children unprovided for, the *sodales* took measures for their education etc. This system of mutual assistance was naturally extended to municipal matters and elections, which afforded the best opportunities for making some return for benefits received.[1] Thus the *lex Servilia* (*repetundarum*) forbids a man to be *patronus*, or *iudex queive eiei* (*reo*) *sobrinus siet propiusve eum cognatione attigat queive eiei sodalis siet queive in eodem collegio siet.* But the *sodalitates* soon degenerated from their original character, and became instruments of electoral corruption. In 56 B.C., two years before Plancius' trial, *senatus consultum factum est, ut sodalitates decuriatique discederent lexque de eis ferretur, ut, qui non discessissent, ea poena, quae est de vi, tenerentur.*[2]

Collegia.

(2) The *collegia* were really *guilds*, associations of persons who (α) held the same office or (β) practised the same profession or trade, and their original object was to further the interests of, and improve the methods of, that profession or trade. Like the *sodalitates*, the *collegia* had their special sacrifices and religious rights, the same mutual obligations of member to member. As instances of (α) we may take the *collegia pontificum, augurum, tribunorum*,[3] or the *collegium* (or *magistri*) *Mercurialium*, founded (Livy 2. 27) on the dedication of the new temple of Mercury: as new gods were introduced in Rome, new *collegia* were founded.[4] We find similar combinations in Greece, e.g. *οἱ Ἀσκληπιάδαι*, the guild for preserving the cult of Asclepius and furthering the interests of the profession over which he presided.[5] (β) Trade-guilds were more numerous, e.g. *collegia fabrorum, aerariorum, tignariorum, ferrariorum, sutorum, fullonum, pistorum* etc., most of which dated their foundation in remote antiquity.

These *collegia*, like the *sodalitates*, were used for political ends, and in 68 B.C. were abolished in the consulship of L. Caec. Metellus and Q. Marcius Rex. Clodius, however in 56 B.C., in response to the repeated appeals of the rabble of the city, passed the law *de collegiis restituendis novisque instituendis*, especially referring to the re-establishment of the *collegia com-*

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1 Cf. *pro Mur.* § 56, *Verr.* 2. 1. 37, *de Or.* 2. 200.

2 *ad Q. Fr.* 2. 3. 5.

3 Livy 1. 20, 4. 4, Pliny *H. N.* 18. 2.

4 Mommsen *Staatsrecht* ii. 134.

5 Cf. Plato *Rep.* 405 D ὁ *τῶν* Ἀσκληπιαδῶν the member of the College of Physicians.

pitalicia, or street-clubs. Cicero[1] describes the result of this law: *collegia non ea solum quae senatus sustulerat restituta sed innumerabilia quaedam nova ex omni faece urbis ac servitio concitata.*

Sodalicia. History.

(3) The *sodalicia*—or more properly *collegia sodalicia*, as *sodalicius* is an adjective—were really only a special kind of *collegia* whose sphere of work was almost confined to politics. Legislation had failed to repress the right of public meeting or forming associations; political liberty kept reasserting itself, and the *sodalicia* were merely the *sodalitates* in a new form—a revival, not a new institution. The *sodalicia* were distinct from other associations in two points—(i.) they were entirely political; their avowed object was to influence the elections by any methods, but especially well-managed bribery, and to defend any member who might be prosecuted for employing the methods they enjoined; (ii.) the *sodalicia* were more elaborately organised than other associations; carefully systematised with divisions, subdivisions, and affiliated branches, they were an extremely powerful and most mobile instrument in the hands of such demagogues as Clodius. Such a highly-developed organism extended its influence to all classes, but it was particularly successful in introducing some sort of system and discipline into the actions of the city rabble—the *perniciosa sentina rei publicae*,[2] as Cicero styles them—with the result that the numerous riots and brawls of the time were often directly attributable to the *sodalicia.*

Of the constitution and methods of these *sodalicia* we have considerable information in the *de Plancio.* Cicero shows that Plancius has *not* pursued various methods which we infer were the ordinary methods of the *sodalicia.* Members were duly enrolled (*conscribere*) by the *magister collegii;* the whole body of members was divided into *decuriae*, properly bodies of ten, to facilitate the distribution of bribes. With this we may compare the use of δεκάζειν in Isocrates and Aeschines in the sense of 'to bribe,' literally 'to divide into bodies of ten.' The money promised as bribes (*pronuntiare*) was distributed by *divisores* and *sequestres.* Thus the crime of

sodalicium = {
conscriptio tribulium.
decuriatio tribulium.
pronuntiatio pecuniae.
discriptio populi.
divisio pecuniae.

[1] *pro Sest.* § 34. [2] Cic. *Catil.* 1. 5.12.

For details of the connexion between *ambitus* and *sodalicium* vide Introd. § 14.

Summary.

Thus various clubs and guilds at Rome were continually being used to exert illegal influence on political affairs, and were as continually being repressed by the government. An exact distinction between these clubs cannot always be drawn, as the evil seems to have returned again and again just sufficiently transformed to escape existing enactments; but a rough classification may be made of *sodalitates*, old religions, brotherhoods instituted for the maintenance of some special cult; *collegia*, trade-guilds to ensure the continuance and improvement of the methods of some particular profession; while *sodalicia* were purely political clubs of members of one tribe, formed with the avowed object of obtaining certain state offices for certain individuals.

CRITICAL APPENDIX

THE READINGS OF THE MORE IMPORTANT MSS. IN PASSAGES WHERE THE TEXT IS UNCERTAIN

T = codex Tegernseensis
E = ,, Erfurtensis
codd = codices, i.e. omnes codices
dett = deteriores
om = omittit
Schol. Vat. = Scholia Vaticana
Schol. Bob. = ,, Bobiensia

(all the above: vide Introd. § 40.)

§ 2 videre *codd*

§ 4 criminibus] omnibus *E*

§ 6 aut (a te), potuisse *om T*

§ 7 quid tu magni dignitatis *T*: quid tum an dignitatis *E*: quid tu inanem *dett*

§ 8 exilio *codd* || quoniam] iam qm̃ *T*: iam quõ *E*: quamquam *dett*

§ 9 dilectu *T E*

§ 10 maris illud esse *E*

§ 13 aberat *T E* || cum te non videbam *T E* || reliquisti *T E* || iudicasti *codd* || ego vero te] ego aute^{m} *T* || ludi] iudi *T*: iudices *E*

§ 14 simul ut et qui *E*

§ 15 tamen nos impetu *T E*: tanto nos impetu *dett*

§ 16 nunc quid *T E* || adsequerer *T E*

§ 17 factum *om T* || vestrum *T*: vestram *E*

§ 19 suorum municipum honore laetari *E*: suorum municipium laetari *T*

§ 20 faverunt *T E*: favebant *Schol. Vat.*

§ 21 laudanda est vel etiam amanda *codd* || illum offici ĩntẽ *T* || denique a nostra ita *T E*

§ 24 timide dico *T E*

§ 26 votis omnibus lacrimisque *T E*

§ 29 atque *T E*: atqui *dett*

§ 30 tam . . quam *E*: quã . . quã *T* || generis et nominis *T E*

§ 33 et libere *om Schol. Bob.* || salutasset ut fit dixisset *T E* || nostra arrogantia *T E*

§ 34 prũ *T*

§ 37 cuiuscumque tribus *T E*

§ 38 Teretinam *T E*

§ 40 inscio] necapinantė ṁ siẹ *T*: in sicco *E*

§ 43 ut si quaesitor *T E*

§ 45 respectent *T E* || volumus *T E* || iram *codd*

§ 51 duabus aedilitatis acceptis repulsis *T*: duabus aedilitatibus repulsus *E*

§ 52 de summa re publica *T E*: rei publicae *dett*

§ 57 aut quid] quod *T E*

§ 59 familia *T*: e familia *E* || quae rex] gnarus quare *T E*

§ 61 quod triumpharant *T E*: in quibus triumpharent *T E*

§ 62 reprehenduntur *codd*

§ 68 hoc nomen *T E* || aes retinet (is *T E*) *codd aliquot*

§ 69 quam quod pro Plancio *T E*: quam pro Plancio *dett* || patronum esse illum *T E*

§ 71 at enim nimis ego *E*: nimiis *T* || molestia *T E*: modestia *dett*

§ 75 contenderim *T E*: contenderit *dett aliquot* || id ipsum *T E* || dicere] dici *T E* || in his causis *T E*: is in causis *codd rell*

§ 77 sicut in *T E* || praeferam *T E*: prae me feram *codd rell* || populo R. et gratiam referri *T E*: populi R. (*vel* p. R.) ei gratiam referri *codd rell*

§ 78 defugerim *T E* || quia saepe concurrunt propter aliquorum *T E*: concurrit *codd rell*

§ 80 omnibus me virtutibus *E*

§ 81 alitus *T E*

§ 88 quem profecto non videbam *om T E*

§ 89 tamen ob illam quod *T E*

§ 91 debeo] desino *codd*

§ 95 arcem *codd*

§ 98 cum tamen *T E*: cum tantum *dett* || ad Planciumque *E*

§ 100 vi inquam *T*: vi me inquam *E*

§ 101 se deorum *T*

VARIATIONS IN LANDGRAF'S TEXT

From C. F. W. Müller's Text of 1886

§ 2 [videre] *ego scripsi*

§ 6 *aut te* a Plancio aut *a te illum* dignitate potuisse superari *ego scripsi*

§ 13 *ego* vero te *Weidner*

§ 16 'non recte,' num quid adsequerere, si *ego interpunxi*

§ 17 quoque *omisi*

§ 19 fin. municipum *after* suorum *om Cobet*

§ 20 [municipe suo] *Cobet*

§ 22 admiranda *ego scripsi* || illam *officii* rationem *Wunder* || [non in manus sumitur] *Wunder, Keil*

§ 30 genere *et* nomine *Garatoni* : *C. F. W. Müller 'admodum verisimile'*

§ 33 [et libere] *Weidner; cf. Müller's note* || nostra *T E Schol. Bob.*

§ 37 [tum] *Keil*

§ 40 tu me ignaro . . . iniquos? *non spuria censeo*: tum me vel *omisi.*

§ 43 vel si *Keil*

§ 45 iram *Cobet*

§ 50 secundo *T E*

§ 51 aedilitatibus repulsus *E*

§ 75 dicere *Cobet*

§ 78 defugerim *T E* || [gratia] *Karsten*: [propter] *ex coniectura*

§ 86 <inlatis> *Halm*

§ 89 [cum] *Karsten* || constantiam *Monac. 2*

§ 91 desino *codd*

§ 95 arcum *Cobet* || mea *Karsten*

§ 98 cum etiam tum *Madvig*

§ 100 vi me <vi> inquam *Orelli*

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